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Poor Law Commission

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GENERAL REPORT

OF THE

COMMISSIONERS APPOINTED TO REVISE AND CODIFY

THE LAWS RELATING TO THE

RELIEF, CARE AND MAINTENANCE OF THE POOR

IN THE

COMMONWEALTH OF PENNSYLVANIA,

WITH

A Letter to Governor Beaver and Draft of a General Bill, (Act May 9, 1889,) and a Special Report on the English Poor Law System.

PRINTED FOR THE COMMISSION.

HARRISBURG:
MEYERS PRINTING HOUSE.
1890.

NOTE.

The within report was finally submitted to Governor James A. Beaver with the accompanying letter and draft of a bill on the 20th day of December, 1890, and is herewith presented as the only available means of placing the facts before individual members of the Legislature at an early date. The table appended is from the appendix to the report, and was compiled to show the comparative cost per head of population and per taxable in several districts, one of which is a county district. It was also thought advisable to accompany this general report with the special report on the English System from the Appendix.

REPORT.

To His Excellency JAMES A. BEAVER, *Governor of Pennsylvania:*

SIR: In pursuance of an act, approved May 9, 1889, entitled "An act authorizing the Governor to appoint a commission to revise and codify the laws relating to the relief, care and maintenance of the poor in the Commonwealth of Pennsylvania," the subscribers, who were appointed commissioners thereunder, would now respectfully submit their report.

The preamble of the act under which we were appointed recites that "*Whereas*, the Governor, in his annual message this year, called the attention of the legislature to the necessity of having the laws relative to the relief, care and maintenance of the poor revised and codified," and, by the first section, it was provided that the Governor should appoint a commission of not more than seven persons, whose duty it should be to consider the subject referred to in the message, and to report a bill in accordance with the same at the next session of the legislature.

We have given much time to the consideration of this subject and have been anxious to lay before the next legislature all the information which we could gather upon it, believing that such information would be intrinsically of more value than any bill we would be able under the circumstances to draw.

The obstacles in the way of revising and codifying the poor-laws of the state seem at the present moment insurmountable. The tendency of legislation for over one hundred years has been away from uniformity, so that the most important parts of the state are under local laws which show considerable differences, the people are accustomed to their operation and are in a measure satisfied with them and will not very readily agree to any general act which would at once deprive them of their privileges. Up to the time of the adoption of the present state constitution, 1873, seventy-eight special poor-law districts were created by the legislature, and about three hundred and twenty-one acts of assembly passed relating to them. These districts were variously composed of counties, cities, boroughs, townships and unions, or combinations of several different divisions. Of the seventy-eight special dis-

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tricts thus created, seventy-one are now maintaining almshouses or poorhouses thirty-seven of which are county institutions and thirty-four belong to minor subdivisions. Some of these districts have directors of the poor, some have overseers. In some the taxes are levied and collected through the county commissioners, in others through borough or city authorities, and in others through the township officials. In some justices of the peace have the power to order relief to be given, in others relief is given alone upon the order of directors of the poor. In some relief outside of the poorhouse or other institution is given extensively, while in others it is curtailed and allowed only under exceptional circumstances. In Philadelphia such relief is given only in medicine and medical attendance. In some of the districts the directors and overseers are elected by the people, in others the directors are appointed by the court of quarter sessions of the county. In Philadelphia there are neither directors nor overseers, but a Department of Charities and Corrections, under the charge of a president and four directors appointed by the mayor, and responsible to him. In some districts the directors or overseers are paid a daily or yearly sum ranging from a few dollars to several hundreds of dollars; and these sums are variously fixed, in some cases by an act of the legislature, in others by the court, while in others the auditors have the power to allow what they deem just. In Philadelphia the president and directors of the Department of Charities receive no compensation while in Pittsburgh the Chief of the Department of Charities receives a salary of four thousand dollars per annum. These differences as to the areas of the districts, taxation, selection of officials, their number and powers, their compensation, etc., seem to be irreconcilable; and we are convinced that any effort to pass a general law having in view the repeal of these special laws would prove fruitless.

In addition to the special laws which we have referred to above, there should also be mentioned the fact that about four hundred and fifty-six boroughs were erected under special charters and that over thirty-four hundred acts were passed relative to them. When it is known that most of these boroughs were authorized to elect overseers of the poor, who were made corporations and in many instances given special privileges, the utter impossibility of reconciling this legislation by any codification must be apparent.

We have in view of these things confined our efforts to the gathering of available information relative to the development of poor laws in this and other states and countries, and the drawing of a general bill which seems to us to be as nearly a medium between the extremes which now exist as possible, and which, through the introduction of a commissioner for the whole state, we believe will gradually lead to the improvement and correction of the general law and the voluntary repeal of the local laws now in force. We are at a loss to see how in any other

way uniformity in the character and administration of the poor laws of the State of Pennsylvania can be brought about.

We have the honor to be, with great respect,

Your excellency's obedient servants,

LEWIS PUGHE, *Chairman*,
WILLIAM LAWSON,
D. WATSON ROWE,
W. ED. MARSH,
WILLIAM NEVIN APPEL,
ROBT. D. McGONNIGLE,
J. NEVIN HILL,
Commissioners.

December 16, 1890.

REPORT OF THE POOR LAW COMMISSION AND DRAFT OF A BILL TO ESTABLISH A GENERAL POOR LAW FOR THE COMMONWEALTH OF PENNSYLVANIA.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met:

In pursuance of an act of assembly entitled "An act authorizing the governor to appoint a commission to revise and codify the laws relating to the relief, care and maintenance of the poor in the Commonwealth of Pennsylavnia," approved May 9, 1889, (P. L. 140), the Governor of this Commonwealth was pleased to appoint us, whose names are hereunto subscribed, a commission to consider the necessity of having the poor laws revised and codified, and to report a bill at this session of the legislature; and we now respectfully submit our report.

Within the time limited by the act we met at the office of the Secretary of the Commonwealth, at Harrisburg, were duly qualified and organized by the election of the Honorable Lewis Pughe as chairman, and Elliot Rodgers, Esq., as clerk.

At a meeting held October 30, 1889, we adopted the suggestions as to the course of procedure set out in the following communication:

"*To the Chairman and Members of the Commission to Revise and Codify the Poor Laws of the Commonwealth of Pennsylvania.*

"SIRS: It was suggested at the last meeting of the commission that each member who desired to do so, should submit, at this time, his ideas as to the best plan to be pursued in examining, revising and codifying the poor laws of the state.

"I beg leave to submit the following:

"After permanent organization, and the selection of a suitable clerk, the first matter to be considered will be the instructions to the clerk for the management of the current business of the commission.

"DUTIES OF THE CLERK.

"I would suggest the following:

"*First.*—The clerk should permanently locate himself at Harrisburg, in some suitable room, at the capitol, if possible.

"*Second.*—It would be well for him to have stationery, letter-heads, etc., with the title of the commission and the names and postoffice addresses of the commissioners, and also his own name and address printed thereon.

"*Third.*—All communications received by him upon the business of the commission should be opened, endorsed, briefed and numbered, and all copies should be correspondingly numbered and either copied in a letter-press copying book or a type-written duplicate made and filed with the letter to which it is a reply.

"*Fourth.*—The clerk should keep an index and write therein the names and addresses of correspondents, setting opposite the name of each the number of the letter as received and answered.

"*Fifth.*—He should attend to the printing and mailing of all circulars, interrogatories and letters from the commission and receive and properly arrange the replies.

"*Sixth.*—He should at once proceed to procure a good township map of the state, or county maps showing the townships, and should communicate with the clerks of the quarter sessions courts to ascertain whether there have been any sub-divisions of the townships since the date of the map. He should then note each new division on the map with the names of the new townships. He should procure the names of the directors, guardians or overseers of the poor in all counties or districts of the state, and keep an alphabetical list of all directors, guardians and overseers, with their postoffice addresses. In ascertaining the names of the poor law officers it might be well for him, at the same time, to ascertain the names and addresses of the attorneys or solicitors for each district in the state, where attorneys or solicitors are employed. He should also keep an alphabetical list of districts, showing the names of the officials, including the tax collectors, thereof.

"*Seventh.*—All communications to the commission received by the clerk should be referred by him to some member of the commission, as soon after receipt as convenient, together with copies of replies made by him.

"The next matter to be considered is the general work of the commission.

"WORK OF THE COMMISSION.

"*Eighth.*—The commission should adjourn from time to time on days certain, to meet sooner when necessary upon the call of the chairman, and the clerk should be present and make minutes of the proceedings of the commission in a book kept by him for that purpose.

"*Ninth.*—The commission should agree upon comprehensive interrogatories, to be printed, with blank spaces for answers, and sent out by the clerk to the poor law officers in each district in the state. As it will perhaps be impossible for the whole commission to continue long enough at one time in session to formulate these interrogatories, it would be well perhaps to appoint some member of the commission to do this work, and submit the interrogatories in manuscript to the commission for approval or amendment. These interrogatories should, if possible, at the start be made to cover the whole ground so as to obtain at once all information from the districts that can be gathered without personal inspection: and the information thus obtained should be printed for the use of the commission in as condensed a form as possible.

"*Tenth.*—The whole subject of poor law legislation can readily be divided into several parts and the initiatory work delegated to different members of the commission. For example, the following divisions might be made special by individual members:

"1. Taxation, including the liability to pay for poor relief, the assessment and collection of taxes, the disbursement of the funds and the accounting.

"2. Districts, settlements and legal procedure.

"3. The duties of poor law officers, the director, the overseer, etc.; and in this connection might be considered the advisability of employing women as relieving officers.

"4. Poorhouse administration, employment of the poor and care of poor children, idiots and insane persons.

"5. Out-door relief and the relief of casual poor, or persons without home or residence.

"6. The liability of persons to support their relatives, and the enforcement of such liability.

"7. Desertion, bastardy and vagrancy.

"*Eleventh.*—Referring now to the examination of the laws of other states and countries and their administration, this work can also be delegated to such members of the commission as would desire to undertake it. Considerable progress has been made in many of the states beyond the point where general legislation in Pennsylvania ceased, and much improvement has been made in England, whence our general law was derived. Again, in many of the American states there seems to be scarcely any legislation upon this subject whatever. In undertaking to improve our general law it would appear to me to be unwise not to investigate, as far as possible, the experiments of other states and countries so as to obtain the benefit of their experience. The time for making a thorough investigation is, of course, limited, and it will no doubt require considerable self-sacrifice on the part of members of the commission to do anything like justice to the subject. It will be advisable, in addition to the examination of the mere text of the laws of other states, to consult and advise with persons who have been engaged in their administration; and in several instances it may be extremely important for members of the commission to make visits to other states where suitable laws seem to be in operation, and gather such information relative thereto, as cannot be readily obtained by correspondence or reference to printed documents.

"*Twelfth.*—I would consider it wise to invite the officers and members of the State Board of Charities, and the officers of charitable societies to attend the meetings of the commission whenever convenient, and to make such suggestions to the commission as they may deem advisable; and in this connection I would suggest that certain times for formal meetings at Harrisburg be set, so that it may be known at what time the commission will be found in session.

"*Thirteenth.*—I would finally suggest that the commission take the act of 1836 as the basis of its work. The several provisions of this act should be tabulated in some convenient form; and, as special acts are taken up and examined, their provisions should be annexed to the table, showing the difference between the general and the special laws, so that, when the work is completed, the commission will be in possession of a complete compendium of the laws, general and special, of the state. This paper can be prepared by the clerk from matter fur-

nished by the commissioners from time to time. After these things have been considered and done the commission will be prepared to put into shape their conclusions as to the best form of a general law for Pennsylvania.

"I do not pretend to have anticipated anything like a complete outline of the work to be done. The chief thing is to make a good begining in the right direction. Once started, many things not foreseen will present themselves naturally and logically for consideration.

"Respectfully submitted,

"J. NEVIN HILL,
Commissioner.

October 30, 1889."

Subsequently we compiled, by the aid of the clerks of the quarter sessions of the different counties, a list of the names and postoffice addresses of the various directors and overseers of the poor in the state (seven hundred districts), and sent to them a series of one hundred and sixteen interrogatories. (See Appendix.)

Answers to these interrogatories from about three hundred districts have been received from time to time throughout the year but have not proved as satisfactory or as accurate as we had hoped.

Our experience in this respect has led us to the conclusion that the legislature ought, by a general law, require all local government officers who have the power to assess and collect taxes, to make returns to the state annually of all assessments made and all taxes collected and to what purposes applied, with other useful information, to assist the legislature, and any commission which may be constituted for the revision of the laws, in arriving at some conclusion as to the comparative merits of the legislation affecting different localities.

On February 25, 1890, we examined a number of witnesses at Lewisburg, Union county.

On March 5, 1890, we examined a large number of witnesses at Stroudsburg, in Monroe County.

On March 21, 1890, we examined a number of witnesses at Lancaster in Lancaster county.

On April 22, 1890, we examined a number of witnesses at Scranton, in Lackawanna county.

On October 2, 1890, we examined a number of witnesses at Erie, in Erie Country.

Individual members of the commission also visited Chester and other counties, some visited Albany, in New York, and Boston, Mass. One was sent to London, England, to complete an examination of the English poor law system. We also held numerous other meetings for conference, etc.

By correspondence and conversations also, an effort was made to acquire as much information as possible within the state, in the limited time at our disposal. The testimony of the witnesses examined and the results of the searches made by the members of the commission, and

also some of the more important evidence elicited by the interrogatories, will be found appended to this report.

We feel justified in saying that we have not been able to overcome the difficulties in the way of a thorough understanding of the operation of the various laws in force in Pennsylvania, to our own satisfaction. These difficulties consist partly in the fact alluded to above, that no provision has been made by the state for the gathering of accurate statistics showing the comparative values or capabilities of the different statutes, many of which are in operation in remote parts of the state and in numerous sub-divisions. Another difficulty is that no effort had been made to collect information relative to the development of the local laws throughout the state. The statute books from the foundation of the government, are strewn with special acts, the study of which would require very much time and patience. The late Chief Justice Woodward remarked in a case before the Supreme Court that it was difficult if not impossible for any lawyer to state the condition of the law relative to local matters in any district with accuracy. When the fact is mentioned that there are in the neighborhood of eight hundred acts of assembly upon the statute books which relate to the poor laws, this difficulty will become apparent. Another difficulty which we might mention is the lack of interest throughout the state in the subject matter, so that although we received encouragement from many sources, we obtained material assistance from very few. We believe, however, that the time has come for a more general interest to be taken in this subject and more attention to be given to it. We trust that the material which we have the honor to lay before you will make this apparent.

Before proceeding to the specific subject of the provisions of the general law for the state, we deem it advisable to give some account in outline of the introduction and progress of poor law legislation.

When the Duke of York's laws were put in force in the territory now called Pennsylvania, in 1676, the town court consisted of a constable and overseers. This was excepted, and in place of it the ordinance established courts similar to the sessions held in the ridings of Yorkshire, England. The courts then established in lieu of the town courts consisted of the justices of the peace with the power of a court of sessions to decide all matters under twenty pounds, etc. It had the important power also to make by-laws or orders to be binding for the space of a year in the several places where made. It appears that the "several places" referred to counties, and are so styled in the records of the Upland court (pp. 119, 165, 171). Mr. Howard in An Introduction to the Local Constitutional History of the United States, Vol. 1, p. 370, says: "Beyond question the six years intervening between 1676 and the creation of the proprietory government of William Penn constitutes the first phase of county government in Pennsylvania."

Nearly all the important functions of local government were centered

in the county by the proprietor after the erection of the province in 1682. The county then became a judicial organism, a unit of general civil administration and a fiscal body (1 Howard, 373). The county court was composed of all the justices of the peace in the county, sitting quarterly, or in special sessions. Originally the justices were appointed by the Governor, or his deputy, from a double number elected by the general assembly; but after 1701 they were nominated by commission precisely as in the mother country (1 Howard, 374). In the absence of township government the sessions had large powers as to appointment and supervision. It had jurisdiction over the construction of highways and bridges, with power to appoint overseers, who, within certain limits, could summon the inhabitants to work on the roads. Later, power was given to it to divide the county into precincts and appoint overseers of highways for each.

The county was the administrative area for the levy both of the "county rate" and the "public charge." The method of assessment is decribed as follows: "The members of the assembly, or any two of them, for each county, are to call to their assistance three of the justices or other substantial freeholders, meeting in such place in the county as they may see fit, to act as a board of assessment. Warrants are then to be issued by some justice of the peace to the various constables directing them to bring before the assessors lists of taxable persons and estates. When the assessment is complete, collectors are appointed by the assessors and all moneys collected by them are to be paid into the hands of the treasurer designated by the Governor" (1 Howard, 380). The preamble to the act of 1696 is as follows: "Whereas there is a continual occasion for a Publick stock to Defray the necessary charge in each county for the support of the poor, building or repairing of prisons, paying for salaries belonging to the Council & Assembly, paying for wolf's heads, The Judges expenses and all just debts, with many other necessary charges." The justices in quarter sessions, assisted by the grand jury and three assessors, were empowered "to calculate the public charge of the county," and allow all just debts, dues and accounts. It was also provided, "But if the sd. Grand Jury Shall neglect to present the sum or sums entered to be raised for the payment of County Dues, The said justices are hereby nevertheless authorized and Required to make the said rate of assessment. Provided always, That (for the further encouragement of the justices and overseers of the poor to Disburse money on any sudden or emergent occasion for the reliefe of the poor, out of the first moneys that shall henceforth be raised by assessment, to pay the County charges, the moneys laid out for the poor before any other disbursement or payment shall be made, shall be first and fully satisfied & paid." (Charter and Laws, 233). The election of three commissioners and six assessors was provided for in the act of 1724–5, and to the assessors and commission-

ers was then delegated the power of the justices in sessions "to calculate the public debts and charges." By this time the counties seem to have been divided into precincts or townships with constables, and under this law the commissioners were directed to issue their precepts to the constables of the townships, commanding them to bring lists of all bills and property subject to taxation to the assessors, who were then to fix the rate. The assessors were to divide the county into districts and to appoint collectors for each, and there was an appeal to the commissioners sitting as a board of equalization. The county treasurer was appointed by the commissioners and assessors. By the act of 1732 the commissioners were not to serve more than three years at one time, and their accounts as well as those of the treasurer and assessors were to be submitted annually to the justices and the grand jury. The office of clerk of the commissioners was established by the act of 1724–5. By the year 1772 a mixed township and county organization was developed, since made the model of local government in an important group of Western states (1 Howard, 385). This development was especially noticeable in the legislation for the relief of the poor, to which we will refer more fully further on, and which provided that in each township or borough the overseers of the poor were annually to be appointed by the magistrates, to be a body politic and, with the approval of two justices, to levy taxes to be expended in providing for persons requiring relief.

Respecting this development Mr. Howard (Vol. 1, p, 387) says: "To New York first and next to Pennsylvania belongs the honor of predetermining the character of local government in the west. But if, as we have seen, New York was first to return to the ancient practice of township representation in the county court, it was in Pennsylvania that the capabilities of the independent county were first tested. Here the principle of election to county offices was carried farther than even in early England. New York is the parent of the supervisor system; but, with this exception, her colonial county government was nearly as dependent on the central authority as was that of Virginia. On the other hand, Pennsylvania is the originator of the commissioner system, which, though centralized, still rests upon the republican foundation of popular election and local representation."

The development of the poor laws during the same period was somewhat tentative.

About the only provision in the Duke of York's laws was as follows (p. 64): "That in regard the Conditions of distracted Persons may bee both very chargeable and troublesome and so will prove too great a Burthen for one Towne alone to Beare, each Towne in the Rideing where such person or persons may happen to be, are to Contribute towards the Charge which may arise upon such occasions."

In the "Laws Agreed Upon in England" under the charter of William

Penn, appears the following provision (charter and Laws, etc., p. 102): "Twenty-eighth. That all children within this province of the age of twelve years shall be taught some useful trade or skill, to the end that none shall be idle, but the poor may work to live, and the rich, if they become poor, may not want."

The Great Law, passed at an assembly held at Chester (Upland), in 1682, contained the following provision (Charter and Laws, etc., p. 115): "Chap. XXXII. *And be it, etc.*, that if any person or persons shall fall into Decay and poverty, and not be able to maintain themselves and children, with their honest Endeavors, or shall die and leave poor orphans, That upon complaint to the next Justices of the Peace of the same County, The said Justices, finding the complaint to be true, shall make provision for them, in such way as they shall see convenient, till the next County Court, and that then Care be taken for their future comfortable subsistence."

Provisions were made in the laws enacted in Philadelphia in 1683 for the relief of the poor as follows (Charter and Laws, etc., p 142): "Chap. CXII. And to the End that Poor as well as Rich may be instructed in good and Commendable learning, which is to be preferred before wealth, *Be it, etc.*, That all persons in this Province and territories thereof, having Children, and all Guardians or Trustees of Orphans, shall cause such to be instructed in Reading and writing; so That they may be able to read the Scriptures; and to write by the time they attain twelve years of age; And that then they be taught some useful trade or skill, that the poor may work to live, and the rich, if they become poor may not want; of which every County Court shall take care; And in case such parents, guardians or overseers shall be found deficient in this respect, every parent, guardian or overseer shall pay for every such Child, five pounds, Except there should appear an incapacity in body or undertsanding to hinder it."

The overseers appointed by the justices or elected up to this time do not seem to have been overseers of the poor. Thus the overseers appointed by the county court under Chap. LXXXIX (Charter and Laws, etc., p. 136) were for the high-ways. Overseers, however, seem to have been made use of in connection with the justices in the relief of the poor, as appears by "The Law about County Levies," in the code passed under Governor Fletcher in 1693 heretofore mentioned.

An act passed in 1705 provided for the erection of a prison in every county, and provided that such prisons should be workhouses, "until others are provided, for felons, thieves, vagrants, and loose and idle persons" (1 Bioren, p. 56). In 1718 was passed "An act for erecting houses of correction and workhouses, in the respective counties of this province." The counties at that time were Philadelphia, Chester and Bucks; and it seems to have been held that, as these counties were named in the act, the provisions thereof did not extend to counties

subsequently erected. The act, however, is the foundation of special legislation with respect to these counties.

A special act for Lancaster county was passed in 1763 (1 Bioren, p 259). This act is entitled "An Act for erecting a house of correction in the county of Lancaster." The preamble recites that "Whereas, It hath been represented to this house by petition by a considerable number of the inhabitants of the borough and county of Lancaster, that they now, and for a long time, have suffered most grievously, as well by unruly disobedient servants as by idle strolling vagrants from divers parts, who have taken shelter in that county and borough; that drunkenness, profane swearing, breach of the Sabbath, tumults and other vices so much prevail, that it is not in the power of the magistrates to suppress them, and preserve peace and good order, having no house of correction for the punishment of such offenders: And whereas the said county and borough of Lancaster have been erected and established since the passing an act of General Assembly of this province, for erecting houses of correction and workhouses in the respective counties, passed in the fourth year of the reign of King George the first, by means whereof doubts have arisen concerning the power of the said county to erect houses of correction or work houses within the said county."

The provisions of the act were similar to those for Philadelphia, Chester and Bucks and were as follows: The commissioners and assessors of the county were directed to meet together after the passing of the act "and make orders for building, erecting, or causing to be built or erected, or provided, a house of correction in the borough of Lancaster, with convenient yards thereunto adjoining; for doing and performing whereof all such orders as the commissioners and assessors in the said county or the major part of them shall from time to time take or set down for erecting the same, shall be of full force and be duly performed and put in execution." The house of correction when finished was to be assured to such persons as the justices in quarter sessions should think fit to order and direct, in trust for the public use of the county, to be and remnain as a house of correction for the county, "to be employed for the correcting and keeping at hard labor all rogues vagabonds, sturdy beggars, and idle and disorderly persons, who, by the laws and usuage of Great Britain or this province, are to be kept, corrected or set to work in such houses of correction." The justices in quarter sessions were to certify their want of money for the support of the house of correction and what sum or sums of money they should think necessary for the same, to the commissionors and assessors of the said county and the commissioners and assessors were required to raise the necessary amounts as county rates were usually raised and levied. The justices in the general quarter sessions or at special sessions were empowered to nominate or appoint a discreet and sober person to be the keeper and manager of the house of correction, and all

such other officers and persons as should be needful and necessary to be employed in and about the same and to remove as they should see cause, to fill vacancies and to make allowances for their services as well as for the support of persons committed to the house. The keeper or manager of the house of correction was required to give security to the commissioners and assessors of the county, to account for and pay to the commissioners and assessors for the time being the value of the funds and stock delivered to him in case of his removal from the office.

The act of 43 Eliz. c. 2, and the act of 14 Car. II., c. 12, and supplements, as well as the British acts against vagrancy seem to have been put in force in the province from time to time, and in 1767 a further act was passed entitled "An act to prevent the mischiefs arising from the increase of vagabonds, and other idle and disorderly persons within this province." The preamble reads like an act of Parliament. It is as follows · "Whereas the number of rogues, vagabonds, and other idle and disorderly persons, daily increases in this province, to the great loss and annoyance of the inhabitants thereof." The act proceeds to provide, by way of remedy: "That all persons, who shall unlawfully return to such city, township or place, from whence they have been legally removed, by order of two justices of the peace, without bringing a certificate from the city, township or place to which they belong: and all persons who, not having wherewith to maintain themselves and their families, live idly and without employment, and refuse to work for the usual and common wages given to other laborers in the like work in the city, township or place where they then are, and all persons going from door to door, or placing themselves in streets, highways or other roads, to beg or gather alms in the city, township or place where they dwell, and all other persons wandering abroad and begging; and all persons who shall come from the neighboring colonies or any of them, into any township or place within this province or shall be found loitering or residing therein, and shall follow no labor, trade, occupation or business and have no visible means of subsistence, and can give no reasonable account of themselves, or their business in such township or place, shall be deemed and are hereby declared to be, idle and disorderly persons, and liable to the penalties hereby imposed; and that it shall and may be lawful for any justice of the peace of the county where such idle and disorderly person shall be found, to commit such offenders (being thereof legally convicted before him, on his own view or by the confession of such offenders or by the oath or affirmation of one or more creditable witnesses) to the workhouse of such county if such there be, otherwise to the common gaol of the county, there to be kept at hard labor by the keeper of such workhouse or gaol for any time not exceeding one month." Constables were required under penalty to apprehend such offenders and take them before a justice of the peace of the county to be tried. Any person so ap-

prehended and tried before a justice of the peace might appeal to the next general quarter sessions, but the order of the sessions was final. The grand jury might make presentment to the court of the general quarter sessions of the peace as to the need of the county of a workhouse or of repairs or alterations therein, and if the justices approved of such presentment the commissioners and assessors, "if they unite in judgment with the said justices and the grand jury," were authorized to build, add to or enlarge the workhouse and to purchase the necessary property.

In 1770 (1 Bioren, p. 309) was passed "An act for the regulation of apprentices within this province." Finally, in 1771 (1 Bioren, p. 332), a general code of the English poor laws, adapted to the province of Pennsylvania, in thirty-seven sections, was enacted under the title of "An act for the relief of the poor." The preamble of this act simply recites that "the laws hitherto made for the relief of the poor have not answered all the good purposes that were expected from them." We will refer to this important act as briefly as possible.

I. The mayor or recorder of the city of Philadelphia with the aldermen of said city, or any two of them, and the justices of the peace of the respective counties or any three of them, were required every year, on the twenty-fifth of March, to meet and nominate and appoint twelve substantial inhabitants of the city, four of the Northern Liberties, four of the district of Southwark and two of every borough and other township within their respective jurisdictions, to be overseers of the poor. The retiring overseers were to return to the magistrates and justices the names of twelve or more substantial inhabitants of the city, four or more for the said district, four or more for the said Liberties and two or more for each borough and other township, out of which number the magistrates were to appoint their successors.

II. Every overseer was required to take an oath of office.

III. In the city and county of Philadelphia the taxes were to be levied and collected on the warrant of any two justices of the peace for the county, and the mayor or recorder and any two alderman of the city, upon complaint made to them by the managers elected by the contributors to the relief and employment of the poor in the city of Philadelphia or by a majority of them, that a sum of money was wanting or likely so to be to support and employ the poor in the house of employment in the said city, the warrant was to be directed to the overseers of the poor of the said city, district of Southwark and the townships of Moyamensing, Passyunk and the Northern Liberties and was to require them to levy and collect the rate by a general assessment on all estate, real, personal and taxable, in the manner afterwards provided for raising such rates in the boroughs and other townships in the province. The overseers were liable to a fine for neglecting or refusing to raise and collect the rate and to pay the same.

IV. The overseers of the poor of the several boroughs and other townships in the province, were authorized to make and lay a rate of assessment, having first obtained the approbation of any two justices of the peace of the county. The assessment was not to exceed three pence in a pound at one time upon the clear yearly value of all the real and personal estate within said boroughs and townships respectively, and six shillings per head for freemen not otherwise rated for their estate, etc. This rate of assessment might be repeated as often as necessary in the year for the support of the poor, and to provide proper houses and places, "and a convenient stock of hemp, flax, thread, and other work and stuff, for setting to work such poor persons as apply for relief, and are capable of working, and also for relieving such poor, old, blind, impotent and lame persons, and other persons not able to work within said boroughs and townships respectively, who shall therewith be maintained and provided for."

V. The overseers of the poor of boroughs and townships were authorized to contract for houses or lodging for keeping, maintaining and employing the poor, and it was provided that if any person should refuse to be lodged, maintained or employed in such house or houses, he or she should be put out of the book, and should not be entitled to receive relief from the overseers during such refusal.

VI. The overseers were required to be guided by the amount of the assessment in laying the rates, and to make a duplicate for the justices who were required to allow the same, "if they find it just and reasonable, without fee or reward." The duplicate was to be open to the inspection of the rate-payers, who might have copies thereof upon payment of certain fees.

VII. Upon refusal of any person to pay the rate, the overseers were to obtain a warrant from the justice of the peace and levy the same on the goods and chattels of the person so refusing, and the overseers might sell such goods after three days. If the person assessed had no goods which could be distrained, the justices might commit the offender to prison, "there to remain without bail or mainprize until they have paid the same." An appeal lay from the assessment to the next general quarter sessions.

VIII. The managers of the house of employment in the city of Philadelphia, and the overseers of the poor of the boroughs and townships, by the approbation and consent of two or more magistrates of the city or justices of the county, were empowered to apprentice poor children, males to the age of twenty-one, females to the age of eighteen years.

IX. No one was to be entered on the poor book of the house of employment, or of any borough or township, or receive relief before an order had been granted by two magistrates or justices of the peace for the same, and in the event that the managers or overseers gave relief without such order, they were to forfeit the amount given unless they

subsequently procured an order from the magistrates or justices approving of such relief.

X. The overseers of the city and of the district and townships were required to render to the justices of the county and to the magistrates of the city or to any three of them, the mayor and recorder being one, a just account in writing of their financial transactions. The justices and magistrates were given power to allow such parts as to them should seem just and reasonable. The overseers might be committed to jail without bail or mainprize in case they neglected or refused to give such account "and pay and yield up such money and other things as they ought in manner aforesaid."

XI. In the boroughs and townships (except those in Philadelphia county) the freeholders were authorized to meet yearly and choose "by tickets in writing" three auditors to settle and adjust the overseers' accounts. The overseers were required to enter in the book the names of all the poor within their respective boroughs and townships, and the time when each of them became chargeable, with all certificates delivered to them and the time when delivered. The borough and township overseers were also made liable to imprisonment in case they refused or neglected to give in their accounts, deliver over money, books or other things as required.

XII. The township and borough overseers, if aggrieved, were also empowered to appeal to the next county court of quarter sessions, whose order should be final.

XIII. The overseers were required to give five days' notice of the place where the inhabitants and freeholders of the several boroughs and townships were to meet to elect the auditors.

XIV. The overseers of the city of Philadelphia were liable to a fine of twenty pounds while other overseers were liable to a fine of five pounds for refusal or neglect to serve the office, such fees to be levied by warrant from any two justices of the county or magistrates of the city, on the goods and chattels of any person or persons so refusing.

XV. "All gifts, grants, devises and bequests hereafter to be made of any houses, lands, tenements, rents, goods, chattels, sum or sums of money, not exceeding in the whole, including all gifts, grants, devises and bequests heretofore made, the yearly value of five hundred pounds, to the poor of any borough or township within this province (except the townships as before excepted) or to any other person or persons for their use, by deed, or by the last will and testament of any person or persons or otherwise howsoever, shall be good and available in law and shall pass such houses, lands, tenements, rents, goods and chattels to the overseers of the poor of such borough or township, for the use of their poor respectively."

XVI. The overseers of the poor for the city, boroughs, district and townships were declared to be bodies politic and corporate in law with

perpetual succession and the right to sue and to be sued, etc., and to take and hold lands, tenements, hereditaments, etc.

XVII. Any person who came to inhabit in the city of Philadelphia, or in any borough, township or place in the province, and for himself or on his own account, executed any public office, being legally placed therein, in the said city, etc., during one whole year; and any person who was charged with and paid his or her share towards the public taxes or levies for the poor of said city, etc., for two years successively; or any person who really and *bona fide* took a lease of any lands or tenements in said city, etc., of a yearly value of ten pounds, and dwelt in or upon the same for one whole year and paid the said rent; and any person who became seized of any freehold estate in any rents or tenements in the said city, etc., and dwelt in or upon the same for one whole year; and any person who was duly bound or apprenticed by indenture, and inhabited in said city, etc., with his or her master or mistress for one whole year; or any unmarried person not having child or children who was lawfully bound or hired as a servant in said city, etc., and continued or abided in such service during one whole year; such persons were to be adjudged and deemed to gain a legal settlement in said city, etc.

XVIII. Every indented servant legally and directly imported from Europe into this province was to obtain a legal settlement in the city, borough, township or place in which the servant first served with a master the space of sixty days, and if afterwards such servant should duly serve in another place for twelve months, he was to obtain a legal settlement in the city, etc., where such service was last performed, either on the original indenture or an assignment thereof; and all mariners coming into the province, and other healthy persons directly coming from Europe into the province were to be legally settled in the city, etc., in which he or she first settled or resided for twelve months.

XIX. Every married woman was to be deemed during coverture and after her husband's death to be legally settled in the place where he was last legally settled, but if he should have no known legal settlement, then she was to be deemed whether he was living or dead, to be legally settled in the place where she had been legally settled before her marriage.

XX. If any person after the publication of this act should come out of the city of Philadelphia or any borough, etc., into another borough, etc., within this province, or should come out of any borough, etc., in this province into the city of Philadelphia there to inhabit and reside, and should at the same time give the overseers of the poor of the city, etc., where he or she should come to inhabit a certificate under the hands and seals of the overseers of the city, etc., whence he or she had removed, to be attested by two or more creditable witnesses, thereby acknowledging the person or persons mentioned in the certificate to be an inhabi-

tant or inhabitants legally settled in that city, etc., every such certificate having been allowed of by one or more justices of the city, etc., or county where such borough did lie, should oblige said city, etc., to provide for the persons mentioned in the certificate as inhabitants of that place whenever he, she or they should happen to become chargeable to or be obliged to ask relief of the said city, etc., to which such certificate was given and into which he, she or they were received by virtue thereof, and then, and not before, it should and might be lawful for any such person and his or her children, though born in the city, etc., and his or her servants and apprentices, not having otherwise acquired a legal settlement there, to be removed, conveyed and settled in the city, etc., from whence such certificate was brought. Persons bringing such certificates were not to be adjudged by any act to gain a legal settlement in the city, etc., into which they came, unless after the date of the certificate they should execute some public annual office, being legally placed therein in the said city, etc.

XXI. No person coming into any city, etc., without such certificate (mariners and other healthy persons coming from Europe excepted) was to gain a legal settlement therein, unless such person should give security if required at his coming for indemnifying and discharging the said city, etc.

XXII. If complaint were made by the overseers of the poor of the said city to any one or more of the magistrates of the said city, or by the overseers of the poor of any borough, township or place, to one or more of the justices of the peace of the county wherein such borough, township or place is situate, it became lawful "to and for any two or more magistrates of the said city, or any two justices of the peace of the said county, respectively, where any person or persons is or are likely to become chargeable to the said city, borough, township or place in which he, she, or they shall come to inhabit, by their warrant or order, directed to the said overseers, to remove and convey such person or persons to the city, borough, township, province or place where he, she or they was or were last legally settled, unless such person or persons shall give sufficient security to discharge and indemnify the said city, borough, township or place to which he, she or they is or are likely to become chargeable as aforesaid.

XXIII. Any person aggrieved by an order of removal might appeal to the justices of the peace at their next general quarter sessions of the peace for the county from whence such poor person was removed. The justices were authorized to amend any defects of form in the order without costs, and after such amendment they were empowered to proceed to hear the truth and merits of the cause; but no such order was to be proceeded upon unless reasonable notice had been given to the overseers who had procured the order. The justices were empowered to adjourn

the appeal to the next quarter sessions if a reasonable time had not been given by the notice.

XXIV. To prevent vexatious removals and frivolous appeals, the justices were empowered upon any appeal or upon proof of notice of an appeal, at the same sessions to order to the party in whose behalf the appeal was determined, or to whom the notice appeared to have been given, such costs and charges as the justices in their discretion should think most reasonable and just, to be paid by the overseers against whom the appeal was determined or by the person who gave the notice. Such costs and charges might be levied by distress, and if no distress could be had the person might be committed to jail without bail or mainprize. If the justice on the appeal determined in favor of the appellant that the poor person was unduly removed, they were at the same quarter sessions to order and award to the appellant so much money as should appear to them to be reasonable to be paid by the city, etc., on whose behalf such appeal was made, towards the relief of such poor person between the time of such removal and the determination of the appeal with costs; and this money and costs were to be recovered in the same manner as above.

XXV. Housekeepers and inhabitants of the province were prohibited from taking into, receiving or entertaining in their houses any persons (except mariners and healthy persons coming from Europe), not being persons who have gained a legal settlement in some city or place within the province, without giving notice in writing within three days to the overseers of the poor of the city of Philadelphia, or within ten days to the overseers of the poor of the borough, etc. The penalty for this offence was fixed at twenty shillings, half to the city, etc., and the other to the informer. In default of distress, the offender might be committed to the workhouse for the space of ten days. In addition, if the person or persons so entertained became poor and could not be removed to the place of last legal settlement, or should happen to die and not have sufficient to defray the funeral expenses, the housekeeper or person convicted of entertaining or concealing such person was obliged to provide for and maintain such poor persons, and in case of such poor person's death, to pay the overseers of the poor such money as was expended on his burial. In default, the offender might be assessed, and failing to pay might be committed to prison without bail or mainprize.

XXVI. If any person was removed under the act by an order of removal and the overseers of the place of settlement refused or neglected to receive the poor person, the officer so offending forfeited for every such offence the sum of five pounds to the use of the poor of the city, etc., from which such person was removed, to be levied by distress, etc. In default of goods the offender was to be committed to jail without bail or mainprize.

XXVII. The preamble to this section is as follows: "And whereas, it

often happens that poor persons, sometimes with certificates, and sometimes without, come from the city of Philadelphia into some township or place within this province, and from some place or township of this province into the said city of Philadelphia, or into some other township of this province, and conceal themselves until they become sick or lame, and cannot be removed, or die before they can be removed; by reason whereof the inhabitants of the city, borough, township or place, where such poor person or persons fell sick, or died, are put to charges, without any means to relieve themselves from the payment of the moneys expended for the maintenance or burying of such poor person or persons." By way of remedy it was provided that in such cases the overseers of the place where such persons became sick or died without gaining a legal settlement, were to give notice to the overseers of the place where such person had last gained a legal settlement, of the name, circumstances and condition of the person; and if the latter overseers neglected or refused to pay the moneys expended for the relief and to make provision for relieving and maintaining the person, or in case such person died before notice could be given, should, on request being made, neglect or refuse to pay the expense of burial, then two justices of the peace of the city or county where the person was last legally settled, upon complaint made, were authorized to issue their warrants to levy such sum of money by distress and sale of the goods and chattels of the offending overseer or overseers.

XXVIII. Any overseers aggrieved by such sentence of the justices or by their refusal to make such an order might appeal to the justices of the peace at their next court of quarter sessions for the county, who were authorized to hear and finally determine the same.

XXIX. The father and grandfather, the mother and grandmother, and the children of every poor, old, blind, lame and impotent person, or other poor person not able to work, being of sufficient ability, were required at their own charge to relieve and maintain such poor person as the magistrates or justices of the peace at their next general quarter sessions for the city or county where such person might reside, should order and direct, on pain of forfeiting forty shillings for every month they should fail.

XXX. In case of desertion of his wife and children by a husband, or the desertion by a women of her children, leaving them a charge upon the district, the overseers of the poor were authorized to obtain a warrant from two magistrates to take and seize so much of the goods and chattels and receive so much of the annual rents and profits of the lands and tenements of such husband, father or mother as the magistrates or justices should order and direct for providing for such wife and for maintaining and bringing up such child or children. If the warrant or order were confirmed at the next quarter sessions, it became lawful for the justices to make an order for the overseers to dispose of such goods

and chattels by sale or otherwise as the court should think fit, and to receive the rents and profits of the lands and tenements for the purposes aforesaid. If no property could be found, the justices in the quarter sessions might order the payment of such sum as they should think reasonable for the maintenance of any wife or children so neglected, and commit the father or mother to jail, there to remain until "he or she should comply with the order, give security for the performance thereof or be otherwise discharged." The magistrates and justices were authorized to bind over any such husband, father or mother for his or her appearance at the next general quarter sessions to abide the determination of the court.

XXXI. All fines, forfeitures and penalties imposed by the act and not otherwise directed to be recovered, might be levied and recovered by distress and sale of the goods and chattels of the delinquent or offender by warrant under the hands and seals of an alderman of the city or any one justice of the county.

XXXII. A general right of appeal was given in favor of any person or persons aggrieved with any judgment of the justices given at their sessions, to the next general quarter sessions of the peace for the county or city, whose decision in all such cases was to be conclusive.

XXXIII. In actions brought against an overseer concerning his office, he was authorized to plead the general issue and give this act and any special matter in evidence, and the plaintiff failing in his action, discontinuing it, or becoming non-suited, was to pay double costs.

XXXIV. The several acts previously passed were repealed.

XXXV. The overseers of the poor in office at the time of the passage of this act were to continue therein until the following twenty-fifth of March.

XXXVI. Some special legislation previously obtained by Philadelphia was also repealed.

XXXVII. This act was to continue in force for the space of five years.

This act of 1771 was afterwards made perpetual by an act passed April 6, 1776. But the latter act having been passed by the provincial government, it was deemed necessary to pass the act of March 24, 1778, to revive and put in force "An act for the relief of the poor." But both of these acts were superseded by the tenth section of the act passed March 25, 1782 which revived, reënacted and perpetuated the foregoing act.

February 26, 1773 (1 Bioren, p. 403), was passed "An act for erecting a new poorhouse, workhouse and house of correction in the city of Philadelphia."

March 25, 1782, (2 Bioren, p. 13), was passed "An act to amend an act entitled 'An act for the better employment of the poor of the city of Philadelphia, district of Southwark and the townships of Moyamensing, Passyunk and the Northern Liberties,' and to revive and perpetuate

an act entitled 'An act for the relief of the poor,' and for repealing two other acts herein mentioned."

By reference to the special report on the English poor law system (see Appendix), and by comparison, it will clearly appear that the laws in force in Pennsylvania at this period were identical in principle and almost identical in language with the general laws of England, with the 43d of Elizabeth and the 14th of Car. II., as their foundations.

I. The administrative area was the township or town of which the English parish was but a local development.

II. The overseers of the poor were appointed by the magistrates.

III. The overseers, with the consent of the magistrates, were to assess and levy the necessary taxes upon the "clear yearly value" of all the real and personal estate within the district, and this might be repeated as frequently during the year as necessary.

IV. The funds collected were to be employed as follows:

1. In providing proper places and houses and a convenient stock of hemp, flax, thread, and other ware and stuff, for setting to work such poor persons as applied for relief and were capable of working.

2. In relieving such poor, old, blind, impotent and lame persons, and other persons as were not able to work.

3. Poor children were also to be bound out as apprentices.

V. The overseers might establish poorhouses, and deny relief to any person refusing to be therein maintained.

VI. The poor rate or tax was compulsory, and a defaulter might be imprisoned.

VII. The order of relief and the poor book were established as checks on the overseers.

VIII. The overseers of the city were required to account to the magistrates, who acted as auditors; but in townships, etc., regularly elected auditors were introduced. The freeholders were to choose those "by tickets in writing."

IX. Serving the office of overseer was made compulsory, and no compensation was allowed.

X. The father, grandfather, mother and grandmother and the children of poor people were also made liable for their support.

The certificate system and the order of removal, with the various and intricate methods of acquiring a settlement, reflect the legislation following the 14th of Car. II.

The variance of the law with respect to Philadelphia seems to have been in consequence of the legislation relative to the erection of a house of correction and a workhouse. As in Gilbert's act, the necessary moneys were to be raised by the overseers upon the requisition of the officers specially charged with the care of the institutions, who were at this time called managers. Evidently the Pennsylvania poor law is not of indigenous growth.

The constitutional period began in 1790, and the following provision was made in the fundamental law of the state:

"Constitution, Art. VII., Sect. 1. The legislature shall, as soon as conveniently may be, provide by law, for the establishment of schools throughout the state, in such manner that the poor may be taught *gratis*."

After this date the act of 1771 continued to be the general law of the state until the passing of the general poor law of 1836, which, however, was substantially a reënactment, as no change of any consequence was made in the text. From this time however, Philadelphia first, and afterwards the larger and more progressive counties of the state, begun to apply for and obtain legislation of a local character.

On March 29, 1803 (4 Bioren, p. 50), was passed "An act for the consolidation and amendment of the laws as far as they respect the poor of the city of Philadelphia, the district of Southwark and the township of Northern Liberties."

The act of 1771, as far as it related specially to Philadelphia, virtually introduced the provisions of Gilbert's act in so far as establishing a union composed of the city, the district of Southwark and the townships of Moyamensing, Passyunk and the Northern Liberties.

By the act of the 29th of March, 1803, this principle was continued and the whole body of the poor law was reënacted with respect to the union of districts composed of the city of Philadelphia, district of Southwark and the township of Northern Liberties. The select and common councils of the city of Philadelphia were required to meet at certain times and choose sixteen substantial housekeepers; the corporation of the district of Southwark to choose six substantial housekeepers, and the justices of the peace in the Northern Liberties, or a majority of them, to choose eight substantial housekeepers, and these thirty persons so elected were to be guardians of the poor of the union under the corporate name of "The Guardians of the Poor of the City of Philadelphia, the District of Southwark and the Township of the Northern Liberties."

It is worthy of note that this special local legislation, as well as the local legislation which ensued, made no alteration in the principles of the statute of Elizabeth. The variance in the laws respects the administrative features almost exclusively. The present act substituted a board of guardians for the former overseers of the poor, and in the thirty-second section the managers selected from this board were authorized "to make and ordain rules, bye-laws and regulations for the government of all the paupers of every description, resident in the almshouse and house of employment, which rules, by-laws and regulations, having first received the approbation of the chief justice and attorney general for the time being, shall be enforced and carried into effect by the managers for the time being or a majority of them: *Provided*, That such rules, by-laws and regulations be not inconsistent with the consti-

tution and laws of this state or of the United States." But the managers, who numbered eight, four from the city, two from the district and two from the township, appointed by the whole board, were authorized to make the assessment of the taxes with the approbation of the alderman and justices of the peace; and an important advance towards the present method of assessing and collecting the taxes was made in providing that the managers in laying the rates should be guided by the county assessment, thereby procuring the uniformity which is at present obtained by the union assessment committee in the modern English poor-law union. The guardians and managers were also authorized to appoint and employ fit persons to be receivers and collectors of the poor tax. It may also be interesting to note the fact that the managers were appointed "in order to superintend the almshouse and house of employment."

The year before had been passed the act of April 6, 1802 (6 Bioren, 727), which provided for the election annually of supervisors of the public roads and highways by the citizens of each township qualified to vote for members of the General Assembly; that such supervisors were to be freeholders qualified in like manner, and the election was to be by ballot. Vacancies in the office of supervisor were to be filled by the justices of the court of general quarter sessions. At the same time it was enacted that the electors were to elect, in the same way, four capable, discreet freeholders as auditors.

By the act of March 11, 1809 (P. L. 49), the overseers of the poor in boroughs and townships were required to be elected and appointed in the same manner and at the same time. Their accounts were also to be settled by the same auditors

The act of April 15, 1834 (P. L. 537), which provided a general county and township system, undertook, according to the recommendation of the commissioners, to supersede the overseers of the poor by transferring their duties to the supervisors, and on this account the act directed three supervisors to be elected for each township, one for one year, one for two years, one for three years, and thereafter annually one for three years; and by section ninety it was provided that these supervisors should be, by virtue of their office, overseers of the poor. However, this provision was repealed by the act of February 28, 1835, excepting as to a few counties of the state.

In the main, the general law of the state has continued since that time to require the election of two overseers of the poor in each borough and township, while the office of guardian was continued in Philadelphia until within a few years, and by numerous special acts, three, five or more directors of the poor have been permitted to be elected for independent county districts.

The development of the administrative features of the law in the city of Philadelphia, has been towards centralization. By the act of June 1,

1885 (P. L. 37), commonly called "the Bullitt bill," the executive power is vested in the mayor and in the several departments. The general executive officer is the mayor. His duty among other things, is "to cause the ordinances of the city and the laws of the state to be executed and enforced." One of the executive departments is denominated "The Department of Charities and Corrections." This department consists of a president and four directors, who are appointed by the mayor, are responsible to him and serve without compensation. To it are "confided the care, management, administration and supervision of the charities, almshouses, hospitals, houses of correction, and all other similar institutions, the control and government of which is entrusted to the city." It has the power to appoint all officers and servants required for the several institutions under its management. The city councils have the power to provide by general ordinance, all things needful for the proper and efficient management of these institutions and of the department, not inconsistent with the provisions of this act, and all able-bodied paupers, vagrants and other persons admitted or committed to any of the city institutions may be required to work upon the public streets or roads or elsewhere. Although the councils are to provide by general ordinance, for the proper and efficient conduct of affairs by the mayor and departments, they are, by Art. XVI, prohibited from passing any ordinance directing or interfering with the exercise of the executive functions of any department. This act abolished the board of guardians of the poor and also the board of managers of the house of correction.

One peculiarity of the appointment of the president and directors of the department of charities and corrections, is that their term of office is fixed at five years, while that of other city officials is four years. The purpose of this was evidently to prevent the board from becoming in any sense political. But the striking peculiarity of the act, differing in this respect from that of any other local constitution in the state, is the centralization of the administrative power in the mayor of the city. In all other districts in the state, with the exception of several township and union districts in the counties of Luzerne and Lackawanna, where the directors of the poor are appointed by the court of quarter sessions, the office of director as well as that of overseer is elective, and the administration, although centralized, is representative.

With respect to this centralization in the administration of the poor laws, we call your attention to the evidence taken by us in the city of Scranton (see Appendix).

The act passed February 27, 1798 (3 Bioren, 306), entitled "An act to provide for the erection of a house for the employment and support of the poor in the counties of Chester and Lancaster," was the first of the series of acts which have erected different counties of the state into separate poor districts, under special administration, outside of Philadel-

phia. These acts are in many respects similar. The present act provided briefly as follows:

I. Chester and Lancaster counties were each to erect houses for the employment and support of the poor.

II. The citizens of each county were at the general election to elect six reputable citizens to be directors of the poor, in the manner prescribed for the election of members of the House of Representatives. The directors were to meet in their respective counties after their election and divide themselves into three sections so that two should serve for one year, two for two years and two for three years, and annually thereafter two directors were to be elected for three years.

III. The directors so elected were created a corporation. They were authorized to appoint a treasurer annually, and to employ and at pleasure remove stewards, matrons, physicians, surgeons, and all necessary attendants. They were given power to bind out as apprentices or servants to the age of twenty-one in males and eighteen in females, with the approbation of two justices of the peace, "such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor." They were generally given the powers of overseers of the poor.

IV. After their organization the directors were to make an estimate of the probable expense of purchasing the lands, erecting the necessary buildings and furnishing the same, and maintaining the poor within their counties respectively for one year. Upon this estimate the county commissioners were required to make provision for the necessary funds by a county tax, etc.

V. The directors were required every year to render an account to the county auditors, and once a year to lay before the court of quarter sessions and grand jury a list of the number, ages and sexes of the persons maintained and employed in their houses of employment or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeship or service, etc.

The court of quarter sessions might appoint visitors who had the right to inspect the house of employment and examine the books, accounts, etc.

VI. Nine persons in each county were named and authorized to hear applications respecting the place deemed most proper for erecting the buildings for the employment and support of the poor within their respective counties, and they were required to fix upon the place before the first of the following December and to certify their proceedings to the clerk of the quarter sessions of the respective counties.

VII. The overseers of the townships were to be notified as soon as the buildings were erected and the necessary accommodations provided, so that they could bring the poor under their charge to these houses, and in case the overseers neglected or refused to do so they were to forfeit the cost of all future maintenance except in case of sickness or

other sufficient cause making it impossible to remove any one, when, upon certificate of a justice of the peace, the directors were required to pay the cost of maintenance to the overseers until the removal became possible.

VIII. The directors were required to receive, provide for and employ, according to the true intent and meaning of the act, all such poor and indigent persons as should be entitled to relief or should have gained a legal settlement in the respective county, and to receive and provide for such persons as might be sent there upon orders of removal, but they might, if they deemed proper and convenient, permit any poor person or persons to be maintained elsewhere.

IX. The directors were authorized to make ordinances, rules and regulations for the direction, government and support of the poor and houses of employment and of revenues and of all such persons as should come under their care. Such rules were to be submitted to the president and and associate judges of the court of common pleas within the respective counties for their approbation.

X. At least two of the directors were required to meet at the house of employment in the respective counties at least once a month and visit the departments and see that the poor were comfortably supported, to hear all complaints and redress all grievances.

XI. The directors were to receive twenty dollars per annum to defray the expenses of their necessary attendance on the duties of their office.

XII. A majority of the directors was given power to fill vacancies in the board by appointment until the next general election.

XIII. Moneys remaining in the hands of the overseers of the poor at the time of the levy of the first county poor tax were to be paid over to the supervisors of the highways of the respective townships to be applied on the roads.

XIV. As soon as the poor of the respective counties could be removed to the houses of employment the office of overseer of the poor was to be abolished.

This act will show the general form of all of the seventy-eight special acts creating poorhouse districts between 1700 and 1873. They relate in general only to the administrative features of the poor law, the administrative area and the officers, their duties and their responsibilities. With respect to the seventy-eight districts thus created, some of which it would seem from the reports of the State Board of Charities have not erected poorhouses or accepted the charters granted, a great many are county districts, but some are township, borough or city districts, and a few are union districts. In addition to these, as has been said, during the same period, the legislature erected by special charters four hundred and fifty-six boroughs which were authorized to elect overseers of the poor, and the number of acts passed with relation to such boroughs exceed three thousand. In 1836 the general law as has been stated, was again codified, but since that time no particular changes have been made.

Condition of the Law at this Time.

A general review of the subject shows the condition of the law in Pennsylvania at this time to be as follows:

I. *The fund for the relief of the poor, how collected, etc.*

We divide the subject as follows:

1. The nature of the fund.
2. Its assessment and collection.
3. Its disbursement.
4. The system of accounts and audits.

1. *The nature of the fund.*—The taxes levied in Pennsylvania for the relief of the poor have continued, as in England, to be based upon the policy of the statute of Elizabeth. But with us the burden has been extended to personal property, and the direction of legislation is towards equalizing the burden between real and personal property as nearly as possible. In addition to the taxes there are also certain fines and penalties which accrue to the use of the poor, but this source of revenue is very small. In some districts the poor tax is aided, and in at least one county (Warren) superseded by devises and bequests.

The right to borrow money for the erection of poorhouses and for other purposes has usually been given by special and local laws.

2. *Its assessment and collection.*—Under the general law the tax is levied by the overseers of the poor with the consent and approval of two justices of the county, but the levy is based upon the county assessment. The valuation of property real and personal for the purpose of taxation, has become with us entirely a county matter for all purposes, state, county, city and township. On this account it is not necessary to mention it here more particularly.

In general the collector of taxes is elected by the people in each district, as well as a district treasurer, but this does not apply to districts under special laws. In most of the counties under special laws the taxes are levied by the county commissioners upon the requisition of the directors of the poor, and in some of these the funds are paid into the county treasury and drawn upon by the directors of the poor, while in others the directors of the poor appoint their own treasurer, and he receives the proportion of the county tax for poor purposes from the county treasurer, and disburses it upon the orders of the directors of the poor.

It may be said in general that the assessment and collection of the poor tax is identical with the assessment and collection of all other direct taxes in the state.

3. *Its disbursement.*—While in principle it is undoubtedly true that in Pennsylvania no use of the funds so raised can be made except under the several statutes, that is to say

(a) For the purchase of materials to set to work those who are able to work but cannot find employment,

(b) To provide with the necessary means of subsistence those who, by reason of age, disease or other disability, are unable to work, and

(c) The necessary expenses of administration.

Yet relief is given commonly to the able-bodied without labor, and the funds are used in other ways not contemplated by the legislature and at the discretion of the directors and overseers.

The order of relief by justices of the peace is used in the state with the exception of certain counties where the right to order relief has been taken from them and given to the directors themselves. In general, too, the payment of money for relief must be founded upon the entry of the names of the persons receiving relief upon the poor book, but in many districts of the state no poor book is kept, and the business of the district is conducted without any check.

4. *The accounting and the audit.*—There is no general system of accounts in the state. In county districts the accounts, as they happen to be kept, are audited by the county auditors, in boroughs by the borough auditors, and in townships by the township auditors, and in general there is a right of appeal to the court of quarter sessions. The accounts are made up and audited at the end of the fiscal year. In the greater part of the state the accounts are kept and audited without any respect to the true principles of the law, and as far as we know the taxpayers pay little attention to the subject.

II. *Districts, Settlements and Legal Procedure.*

1. *Districts.*—There is no uniformity in the administrative areas. The typical districts, perhaps, are townships and such towns as have been incorporated under the general borough act of 1851. In addition to these there are county districts, city districts, borough districts and union districts composed of parts of counties or of several townships, boroughs, cities, etc. The representative area in county districts is the whole county; in borough districts it is the whole borough, but in union districts the minor civil divisions are each representative.

Districts may be erected by the court of quarter sessions of the peace by the division of townships, the erection of boroughs, etc.; but the power to erect counties remains in the legislature.

Although there has been some attempt in legislation to permit counties to unite for school purposes and for the erection of homes for destitute children, as far as we know nothing has been accomplished in that direction.

2. *Settlements.*—The heads of settlement are all derived through the colonial and state legislation from the English poor law and apply universally throughout the state, although in most of the counties compulsory removals are unknown. The methods of acquiring settlement are

(a) By executing a public office being legally placed therein during one whole year;

(b) By paying a proportion of any public taxes or levies for two years successively;

(c) By taking a lease of any real estate *bona fide* of the yearly value of ten dollars and dwelling upon the same for one whole year and paying the said rent;

(d) By being seized of any freehold estate and dwelling upon the same for one whole year;

(e) By being lawfully bound or hired as a servant and continuing in such service for one whole year, in the case of an unmarried person not having children;

(f) By being bound an apprentice by indenture and inhabiting in the district with the master or mistress for one whole year;

(g) By serving for the space of sixty days in the district into which he first comes, in the case of an indented servant legally and directly imported from Europe into this commonwealth (this head of settlement is of course now obsolete under the law prohibiting the importation of contract labor);

(h) By residence for the space of twelve months in the district in which he shall first settle and reside, in the case of a mariner coming into the commonwealth and in the case of any other healthy person coming directly from a foreign country.

The settlement of a man is communicated to his wife, who retains such settlement after her husband's death; but if the husband has no known settlement, then the wife retains her maiden settlement whether the husband be living or dead.

Illegitimate children are settled in the place of their mother's settlement.

No law has ever been passed in this state establishing irremovability in connection with the law relating to the removal of the poor, although this principle has been engrafted upon the laws of New Jersey and perhaps one or two other of the states of the union.

3. *Legal procedure.*—Poor persons may still be removed in this commonwealth whether chargeable or not, the original provision of the 14 Car. II. as to the removability of persons likely to become chargeable having been continued, although repealed in England at about the time of the revolution. The ordinary method of removing a poor person whether chargeable or not, is by applying to two justices of the county for an order. It has not been commonly the practice to notify the person to be removed, the proceeding being *ex parte*. In the case of Gilpin Township Overseers *v.* The Overseers of Parks Township, 118 Pa. St. 34, however, it was held by the Supreme Court that such removal is illegal, the poor person having the right to notice, so that he could give evidence if possible to show that he was not likely to become chargeable, or furnish bail to indemnify the district. No provision has been made for the justices of the peace committing the evidence in such

cases to writing. They make a simple adjudication that the person is chargeable or is likely to become so, and incorporate this in the order directing the overseers to remove him to the place which they adjudge to be his last place of legal settlement. The overseers take this order and at once remove the poor person to the district of settlement. There have been numerous cases in which the overseers of the district to which poor persons have been thus removed have refused to receive them, and numerous cases of hardship have been brought to our attention; and we believe that the costs and expenses of such removals are entirely out of proportion to any possible benefits that may accrue from such a practice. From the order of removal an appeal is allowed but it must be taken to the next court of quarter sessions of the peace.

Under the act of assembly allowing writs of error to be taken in cases of appeal from orders of removal (Act March 16, 1868, § 1, P. L. 46) as well as upon *certiorari*, many such cases have been carried into the Supreme Court and entailed large expense upon the districts, as much as four hundred dollars in a single case. Some of the effects of this practice are shown in the evidence taken by us (see Appendix).

In one case an overseer testified that he had caused the removal of a person likely to become chargeable, and it was said that the costs of such removal had amounted to one hundred and fifty dollars and that the person had not in fact become chargeable.

Another overseer said that, "people in each district are careful to see that paupers do not come into their district. Keep paupers out is the rule. People who have houses to rent will not rent to a person likely to become chargeable. They freeze him out of the district."

Another one said "we go to men who own buildings and ask them not to rent to people liable to become a charge."

Another one: "We do all we can to prevent people likely to become chargeable from gaining settlement, that is what overseers are for."

A witness who had had many years experience as an overseer made the following statement: "The principal duty of overseers now is to keep out paupers or those likely to become chargeable. They seem to elect hard-hearted men for overseers, who, when a man applies for relief, abuse him so for becoming a pauper that he is entirely discouraged and heart-broken. A great deal of money is spent in litigation that should be spent in relieving the poor. Under the present system the children of paupers almost always become paupers. There have been cases of preventing a man registering and gaining residence. Some men are removed whom the overseers think will become chargeable."

In general the obstacles to removal in Pennsylvania are the payment of local taxes for two successive years, living for a year upon rented land and working for a whole year in the district under wages, all of which require residence. Birth, of course, is a head of settlement and a

person who has no settlement in the state cannot be removed from the place where he happens to become a charge.

III. *Poor Law Officers and their Duties.*

The legislature established some years ago a board called the "Board of Public Charities," with certain specified powers and duties relating to the penal and correctional institutions of the state, the charitable institutions receiving state aid, the lunatic hospitals and the poor law establishments. So far as the poor law institutions are concerned, the work of this board seems to have been confined to visiting, the gathering of certain statistics, the supervision of the erection of new buildings and the removal of the insane poor to state asylums.

The justices of the peace are in general still required to approve the assessment of the poor tax, and they also have power in districts under the general law of ordering relief, and in general of granting orders of removal.

There are no distinctive poor law inspectors or auditors.

The officers in the general districts are two overseers of the poor, who are required to raise sufficient money by taxation, and to give necessary relief to such persons as obtain orders of relief from the justices of the peace, and also to give relief in cases of emergency. In special districts the officers are variously called directors, guardians, etc. The number of directors in special districts is variously fixed at from three to thirteen, and they usually have the power to grant relief without the intervention of magistrates or justices of the peace. There is no uniformity either in the number, in the term of office or in the compensation of directors and guardians, or indeed in that of overseers, as in many township districts special laws have been passed relative to the compensation of the local overseers. In townships it is usual for the overseers to divide the territory between themselves, and this is done to some extent also in the county districts, each director taking a certain territory and administering outdoor relief therein. In townships the township clerk is *ex-officio* clerk of the overseers, while in the county districts the directors elect their own clerk and fix his compensation. As far as we have been able to ascertain, the office of township clerk is not effective for any purpose. In county districts the board of directors are usually authorized to select a steward or superintendent of the almshouse or poorhouse, a matron, a physician and other necessary employés and fix their compensation.

IV. *Poorhouse Administration, Employment of the Poor and Care of Poor Children and Insane Persons.*

1. *Poorhouse administration.*—The original policy of the colony was to have a work house or house of employment in each county, and the current of special and local legislation has always been in the same

direction, but a number of counties continue to be without a poorhouse or house of employment. The poorhouses, as established in the different counties of the state, do not differ materially from the same kind of institutions elsewhere. They have a superintendent or steward, a matron and other necessary employés. The board of directors in all such cases have the power of making their own by-laws and rules, which are usually required to be approved by the court of quarter sessions of the county. Their management is by no means uniform, and there has been no tendency towards uniformity except through the establishment of the Association of the Directors of the Poor of the State. Children between the ages of two and sixteen are not allowed to be retained in a poorhouse longer than sixty days, except in the case of unteachable idiots, epileptics, paralytics, and such as are deformed and incapable of labor or service. In consequence of this it has become necessary to board-out poor children, and some headway has been made in this direction through the efforts of the Childrens' Aid Society and the Society for the Prevention of Cruelty to Children. In several of the counties there are established, in connection with the poorhouses, hospitals and insane asylums. The tendency, however, is to remove all of the insane to the state asylums.

2. *Employment of the poor.*—Very little effort has been made to utilize the labor of such of the poor receiving relief as are able to work. The provision for employing such persons upon the public roads has not been effective for the reason that in such districts as might be able to use labor in this way, the land owners exercise their right to "work out" the taxes themselves. The county poorhouses in general have farm lands attached and some of the poor are employed as farm laborers, but aside from this very little has been attempted except at Blockley almshouse, Philadelphia, where an effort has been made to keep the inmates employed at their usual trades.

3. *The care of poor children, idiots and insane persons.*—The policy of the law in Pennsylvania is to maintain idiots and insane persons in special institutions, but incurable idiots are commonly maintained in the poorhouses. It being contrary to the law to maintain poor children from two to sixteen years of age in the poorhouses, it has become necessary for the directors of the poor to have enlarged powers relative to them. So far nothing definite has been done as the prohibition is of recent date. Formerly children were maintained in the poorhouses with adults indiscriminately.

V. *Outdoor Relief and the Relief of the Casual Poor.*

1. *Outdoor relief.*—General outdoor relief is commonly given throughout the state with the exception of the city of Philadelphia where it is confined to medicine and medical attendance. Such relief is not uncommonly given to able-bodied persons and it is usual to give it

in small amounts, without labor, to make up deficiencies in wages or income. In some districts, including counties, such relief is given in the form of pensions. In some counties and districts the practice prevails of fixing the amount to be given to the applicants by the week or month without any limit as to time, and in some cases this allowance is permitted to accumulate and is paid over to the applicant upon demand. In Lancaster county recently the rule has been adopted of giving outdoor relief only upon application in emergency cases, so that an examination can be made of each case, but in some counties the time is not limited, or is limited to periods of several months.

Again, outdoor relief is given in some districts in money, in others it is given in money and in kind while in others it is given in kind only. It is not uncommon for directors of the poor to give such relief in the form of the payment of rent.

How far this practice in Pennsylvania may have increased pauperism we have not been able to ascertain, but it has been given by almost every officer examined as his opinion that outdoor relief tended directly to such increase.

In some counties and districts, physicians are employed by the year to attend the poor at fixed compensation, including the cost of medicines. The practice is usually regulated by the rules and regulations of the local board. In some counties there has been a great deal of litigation growing out of medical relief given by unauthorized physicians while in others such difficulties seem to have been entirely obviated. There is however, no uniformity in the practice. We refer especially to the evidence upon this subject (see appendix.)

2. *Relief of the casual poor.*—Acts of assembly having as their object the suppression of mendicancy, vagrancy, tramping and begging have been passed from time to time from the colonial period without sensible effect. In some of the counties efforts have been made to comply with the acts of assembly by committing such offenders to the jails or workhouses, but, as far as we have been able to ascertain, the results have been entirely unsatisfactory; and viewing this whole question as an unsettled one, as an exceedingly difficult one, and as one not properly belonging to the poor laws (which rather relate to the settled poor), we have decided not to incorporate such acts in the code we propose to recommend. (See appendix—Mr. Lawson's report).

VI. *The liability of persons to support their relatives.*—There has been no change made in the law relating to the liability of persons to support their poor relatives since the introduction of the English law into Pennsylvania, but we have reason to believe that the law has been indifferently enforced.

VII. *Desertion and bastardy.*—Upon these subjects there has been no material change in the law. The latter subject has been, however, relegated to the criminal law. In 1867, by the act of April 13 (P. L. 78),

justices of the peace were authorized to bind over persons who deserted their wives or children without cause and neglected to maintain them, and the court of quarter sessions was empowered to impose their liability upon them by ordering a commitment to prison.

Development of Local Self-Government.

We do not know that our efforts to gather and lay before you so many matters relative to the progress of legislation touching vagrancy and the relief of the poor and the evolution of different forms of local government require any apology. It must be apparent that we are in a peculiar and untenable position respecting the constitution of local governments. The semi-independent development of local powers which has steadily proceeded, without supervision or record upon the part of the state, during the century of its growth was checked by the constitution of 1873. Legislation which, until the adoption of the theory of general provisions alone for local government matters, had been active and was producing rich fruits by way of experiment, then entirely ceased, and, aside from a few isolated acts, general in form, but intended to meet special conditions, nothing has been since done. At the same time many and varied theories respecting government in general are propounded and hazardous experiments proposed. On the one hand the principle of anarchy is mooted and on the other, that of state socialism is advocated by men of intelligence high in the confidence of the people. A large proportion of the people favor decentralization and enlarged powers of local self-government, while another large proportion favor the retransferring of many of the powers and burdens of local government to the state. The state cannot stand still at this juncture. The legislature cannot halt. The necessity of remodeling local government constitutions and of recasting the charters of their powers in a common mould on the one hand, or of calling again a constitutional convention to unfetter the hands of the general assembly on the other, are the alternatives.

Holding this view of the situation, we could not approach the subject from the narrow side presented to us without feelings of great responsibility and without perceiving that any measures that we proposed would be open to many objections, and after all fail to present a solution of the vexing questions referred to. Our desire, therefore, above all things, has been to furnish you with all the information we could gather as a basis of further labor.

The English County Councils.

We may add that an experiment based upon what seems to be the soundest policy is now trying in England—the most interesting experiment in local self-government, perhaps, that the world has looked upon. We refer to the Local Government Act, 1888, providing for county councils.

This act establishes in every county a council, in the main elected by the people, and entrusts to them the management of the administrative and financial business of the county. It is constituted and elected, and conducts its proceedings, and is in all respects in the position of a council of a borough divided into wards. It is vested with many of the powers of the English justices, and with many such powers as are exercised by our judges of quarter sessions relative to county, city, borough and township affairs, and our county commissioners, city and borough councils, and township supervisors. The members of this council receive no compensation. It is in effect a local parliament. In the metropolis the council of the new administrative county of London is regarded as the entering wedge to split and destroy the ancient monopoly of the existing city government. The Duke of Westminster was its first president, and, if we are correctly informed, Mr. Burns, the prominent labor leader, is a member.

As we understand it, this is a great stride in the direction of decentralization; but, the central government, occupying, through the local government board, a position perhaps somewhat analogous to that of our departments of insurance, schools, charities, etc., watches vigilantly that everything is done in due order and in accordance with law.

Within the limits of their powers it is hoped that these councils will solve many difficulties respecting local self-government and perhaps attain a truer balance between the central and the local authorities. At any rate the experiment should be carefully watched and its results noted. If the taxpayer by this means attains truer representation, if public affairs are made more truly public, and if the governor and the governed come more in touch, can there be any good reason why Pennsylvania should not establish a form of county government upon the same broad theory of representation?

Recommendations of the Commission of 1830–3.

Reminding you of the experience of our own state in county government, we will now refer to some remarks made by the commissioners appointed to revise the laws in 1830, in transmitting to the legislature, in 1833, "A bill relating to Counties and Townships, and County and Township officers," which was enacted and continues to be the general law of the state:

"We think it desirable," they say, "that townships should be assimilated to counties, in respect to the mode of government, for the sake of regularity in the system, and because we believe that the present system of county government is, upon the whole, the best that can be adopted for the purpose."

In speaking of township supervisors, they say:

"Section 91. In this and other sections, we have denominated these officers supervisors merely: omitting the words in the present laws

which seem to limit their duties to the roads and highways of the township. It appears to us, that they may properly stand in the same general relation to townships that commissioners do to counties; having the superintendence and charge of the affairs of the township generally though especially entrusted with the care of roads and highways."

They then refer to the probable adoption of a general school system and the building of public schools in all townships, and express the belief that the supervisors would be the proper agents of the people "in this and other general concerns of the township."

"We may add here," they continue, "that we have not considered ourselves at liberty to dispense with the separate office of overseer of the poor, *although we are not satisfied that any necessity exists for its continuance;* we see no substantial reason why the office should not be united with that of supervisor. The system would be more simple, attended probably with less expense and fewer inconveniences if supervisors were assimilated in all respects to commissioners of counties, and had the charge of education, of the poor, and other township matter, as well as roads and highways. Their number might then be increased to three, and their term of service enlarged to three years, as in case of commissioners. Should the legislature be disposed to consolidate the offices in the manner suggested, the change can be effected with very slight alteration in the present bill."

The office of town clerk, created by the act of 1807 (4 Sm. 472), for Philadelphia and a few other counties had been, by succeeding enactments, extended to all the counties of the state except three, at the time the commissioners reported. By their bill it became general and they provided that the town clerk should *ex-officio* be clerk to the supervisors and overseers. "This provision is new," they say, "and has been suggested by the considerations already adverted to, respecting the present want of supervision of the proceedings of supervisors and overseers. The town clerk will record their proceedings and keep their accounts, and will thus furnish, it is believed, both a guide to them in respect to their duties, and a check upon irregularity or abuse."

In their remarks accompanying the bill entitled "An act relating to to county rates and levies, and township rates and levies," transmitted to the legislature through the Governor, in December, 1833, they have this to say :

"The taxes at present raised in townships are, *first*, those levied and collected by the authority of the supervisors of the roads, etc., and, *second*, those which are levied and collected by the authority of the overseers of the poor. These are authorized by distinct acts of assemby, and assessed and collected by distinct authorities. In the present bill they are made the subject of uniform and general regulation. In the bill presented to the legislature at their last session, relative to counties and townships and county and townships officers, we endeavored to

provide for the respective townships a system of local government similar to that of counties, which we believe to have the advantages of simplicity, efficiency and economy. The present bill has been framed with a view to the arrangements suggested in that bill, and is submitted at the present time that the legislature may have before them at once the scheme and operation of county and township government."

General and Special Legislation.

It must be apparent from what has been said that almost without exception the evolution of the present general forms of local government has proceeded through special and local legislation. The people of a particular borough, city, township or county have voluntarily tried some experiment and this, proving sucessful, has spread to other localities until finally a general law has resulted. The progress of this evolution in the poor laws, however, has been retarded for several reasons. They have become involved with several forms of city government, and also with many special forms of county and other district governments. Moreover there is no question of government upon which, either as to its form or as to its necessity or justness, men so widely and so sincerely differ in view. The commissioners of 1833, Messrs. Rawle, Wharton and Jones regarded it mainly from the point of view of able and cultivated lawyers. They said, in their remarks accompanying the bill entitled "An act relating to the support and employment of the poor" (the present general poor law act of 1836):

"The bill now submitted, relates to a subject which is of considerable interest and importance to the public. The question of the expediency of compulsory provision for the support of the poor is admitted on all hands to be one of great magnitude and difficulty. Eminent and enlightened men on both sides of the Atlantic have differed in their conclusion respecting it; and powerful arguments have been urged in favor of and against the continuance of the system which has prevailed for at least three centuries in England, and with few material alterations, has been naturalized in this country. If we believed that it fell within our province to recommend to the legislature the total abandonment of the system, we have very great doubts whether, even looking at it merely as a question of political philosophy, we should deem such a course advisable. But, whatever might be our individual opinion on the subject, we believe that our authority does not extend so far as to justify us in proposing radical changes in laws of this nature. That there are defects, however, in the system, and abuses in its practice, seems to be agreed upon all hands, and these it has been our business to consider, to supply or to remove."

"The principal objections to the law," they add, "*as it is administered,* are founded upon the relief sometimes given to able-bodied persons, and upon the provision relating to settlement."

They recommended no provision for houses of employment to be erected in all counties, although they affirmed the principle that the able-bodied were to be relieved in *employment* and not in *money*. This doubtless was because they had aimed at slight structural changes in township government and not at the extension of administrative areas. Under the modern industrial order which has discarded the spinning-wheel and other homely tools, relief in employment by overseers of the poor of townships is not feasible. In larger areas where a poorhouse or house of employment can be economically maintained, it may be practicable. But local legislation at that date (1833) had shown that the current was running strongly in favor of larger administrative areas—in favor of a county rather than a township administration, and a general county system might have been even then recommended. The abuses which the commissioners refer to have not ceased and the few changes proposed by them in the act of 1771 supplied no effective remedy. Relief to the able-bodied in money and in kind continues to be given throughout the state, and especially in township districts, and it is in these also that the settlement law continues to afford opportunities for oppression and extravagance. Indeed, if the old township district be abolished, the settlement law will practically disappear with it. Compulsory removals are seldom, if ever, made from such counties as Philadelphia, Allegheny and Lancaster, and the intricacies of the English settlement law are by the members of the legal profession there never explored.

A General Form for Local Governments.

It was our desire to put ourselves in communication with the Revenue Commission and the Road Commission constituted under recent joint resolutions of the legislature, in order that we might discuss this question, and be able, if possible, to agree upon some general recommendation respecting the constitution of our local governments. In this we failed. Commissioner Hill, speaking for us, before the revenue commission, however, made the proposition in some detail, and we believe the question warrants special attention.

It became necessary for us, under the circumstances, to decide upon the general form of local government to be recommended by us for the relief and employment of the poor alone. These two forms were presented, viz: first, the county plan, and, second, the township, or town, plan.

Poor Law Areas.

1. The County District.

The county area seemed to us to have several advantages as a poor law district.

First. It would lighten the burden of erecting and maintaining a poorhouse by spreading out the cost over a considerable territory.

Second. It would afford the best opportunities of applying reasonable tests as to destitution.

Third. It would make the classification of paupers feasible and furnish labor to those not wholly able-bodied.

Fourth. It would secure the services of a higher class of officials and pay them better salaries and discontinue the multitude of overseers with salaries, small indeed, but amounting to a considerable sum in the aggregate.

Fifth. It would insure better treatment of the poor and a more uniform system throughout the state.

Sixth. It would make the law as to settlements unimportant and take away perhaps the necessity of removals.

Seventh. It is manifestly the higher form of the development of poor law administration in the state and it would be insensible to require the county districts to return to the town or township system.

2. The township district.

The township area seemed also to have its advantages and these advantages will of course be balanced with the advantages of the county area stated above.

First. In the township the citizens are usually personally acquainted with all cases of pauperism and their jealous watchfulness tends to prevent fraud.

Second. The citizens when taxed in the smaller area do not so readily forget that to encourage or allow the growth of pauperism is to their certain disadvantage, and public opinion acts more quickly and positively to require self-support and to compel persons to care for their poor relations.

On the other hand it will be seen that for various reasons there is perhaps relatively more maladministration in the township than in the county. Theoretically it ought not to be so, but practically it is.

We had thought it would be wise to continue the township overseers for the purpose of levying and collecting their proportion of the expense of county relief, or at least such amounts as might be needed for relief out of the poorhouse, and to act as relieving officers; and we would have recommended that plan but for the fact that in about fifty-eight county and other districts of the state the overseer of the poor has long since entirely disappeared in faver of the county director. It would seem to be fruitless to suggest a general return to the old system.

As to the creation of a considerable representative body in each county to be entrusted with local legislation, such as fixing the amount of money needed for county purposes, appropriating it, providing for administrative officers, establishing their compensation and the erection of necessary buildings, etc., the idea can merely be suggested.

We have agreed to recommend the election in each county of three

directors of the poor and of the appointment by them of local relieving officers where necessary. This carries with it of course a return to the administrative county area for poor law purposes, with county taxation and county institutions. In addition, we recommend the establishment of a Department of Poor Law Administration, under a Poor Law Commissioner, so that the state may have a permanent agency to supervise the local administration of the law in much the same way as is now done with respect to school districts by the Superintendent of Public Instruction. We will explain this provision more particularly hereafter, merely remarking now that we are fully convinced that such an officer can in many things relieve the judges of quarter sessions, that he will be a center of information, observing and gathering together the good features of administration in different localities and advising all local officials in regard to them; that he will be in a position through the medium of annual reports to recommend improvements and amendments of the general law and by obtaining the best provisions, gradually produce uniformity, through encouraging the repeal of local laws. The changes in the structure of the statute law which we have agreed to recommend will now be mentioned in detail.

Remarks.

Section I. In adopting a general code for the state and providing a county system it is necessary to fix some definite time when the overseers should turn over the care of the poor of the county to the county directors. If the bill which we submit should be enacted into a law at the present session of the legislature, the directors of the poor would be elected at the fall election of 1891 and would be qualified in January, 1892. By fixing the date for the change on July 1, 1892, the directors and the overseers would have six months in which to make necessary arrangements.

Section II.—X. By these sections it is intended to establish a department of the state government to have charge of poor law administration throughout the commonwealth. The system perhaps is somewhat similar to that of the Department of Public Instruction and other departments of the government. At present the poor law districts in general have the power to propose rules and regulations for the government of the poor and of the poorhouses, etc., to the court of quarter sessions of the county, and such rules, etc., become a part of the law upon the approval of the court. This power in the courts of quarter sessions is derived from the powers respecting local government which were committed to the justices of the peace in England, who hold the general quarter sessions for the county. The justices in England not only had such powers, but also the power to appoint the overseers themselves and very many other powers and duties, legislative, judicial and administrative relating to the poor laws. In general our judges of the courts of quarter sessions are not familiar with the poor law administration, and

it is perhaps insensible to require the rules to be approved by them. Under the system proposed, the poor law commissioner, devoting his whole time and attention to the administration of the poor laws, would be fully competent to pass upon all such rules and regulations and to advise with respect to them and to obtain uniformity in practice throughout the state. The duties of such a department will doubtless be onerous and require a large amount of labor. The recommendation is that the commissioner should have power to make orders for the management of the poor, for the government of institutions, for the custody, maintenance and training of children, for the guidance and control of directors and other officers respecting the relief of the poor, the accounting, the making of contracts, and in all other matters for carrying the act into execution. To enable the commissioner to exercise authority he is empowered, in addition to the making of rules, to examine witnesses and require the production of books and papers. We have deemed it wise to provide that the rules, orders and regulations made by the commissioner should have the approval of the Governor and Attorney General. We also provide that the commissioner shall make an annual report to the Governor and make special reports when required. We also deemed it wise to give to the commissioner and his assistants, the inspectors, the power to enter and inspect all poor law institutions, examine records, accounts, contracts, etc.

Section XI. We have given above our reasons for deeming it wise to establish county poor districts. In this section we provide for the election of three directors of the poor for each county, in the way usually followed in special counties under their present legislation. In some of the counties more than three directors are elected, but in most of the counties the number is three as we have fixed it. We have in this section, and wherever it is possible in this act, used the precise language of present special statutes.

Section XII. We have endeavored in this section to prescribe for the organization of the board of directors, and for their making estimates of the probable cost of institutions and of maintenance each year, upon which estimate or estimates the county commissioners can levy taxes with the county taxes and provide the necessary funds. The moneys raised are to be paid into the county treasury in the usual way, and paid out upon the warrants of the directors themselves. The accounts of the directors are to be audited the same way as the accounts of the county commissioners. We deemed it wise in this section also to provide that the county commissioners may borrow money for the purposes of the act, which would probably be necessary in many counties which now have no institutions whatever.

Section XXIII. The directors of the poor are required by this section to relieve the poor of the county in a suitable poorhouse or poorhouses. This section is so worded that if the directors of the poor in any county

conclude that on account of the fewness of the poor in their county, or for any other sufficient reason, they are not warranted in erecting a poorhouse, they will have the power to contract with the directors of the poor of some other county for the maintenance of their poor in the other county's poorhouse. We deemed it advisable to have such contracts subject to the approval of the poor-law commissioner. We have also deemed it advisable to recommend that the directors have power to employ and fix the compensation of the minor officers and employés in the district. With respect to relief out of the poorhouse and so that there may be no delay in forwarding applicants for relief promptly to the poorhouse, we have also here recommended that the directors have power to appoint such relieving officers throughout the county as they may deem proper, but we are of opinion that the giving of outdoor relief should be subject to the rules and orders made by the commissioner so that there should be uniformity in the administration in this respect throughout the state. Our idea in regard to relieving officers as well as ordinary inspectors is that eventually they will call into operation the energies of charitably disposed people and assist charity organization.

Section XIV. We are of opinion that the directors, relieving officers and superintendents of almshouses should have the power to administer oaths and have so provided in this section.

Section XV. By this section we have provided the means of acquiring real estate for the purposes of this act. The board to be charged with the purchase, consisting of one of the judges of the county, the county commissioners and the directors of the poor, we believe will be as fully representative and more convenient than the usual method of purchase by grand jury, etc. The method prescribed here is very similar to that in most of the special poor law districts. In the latter the act itself usually named the persons who were empowered to purchase the land, but obviously in a general act this cannot be done.

Section XVI. The intention of this section is to codify the present laws upon the subject, to enable the directors to erect, enlarge, rebuild or alter the plan of any building for the purpose of the relief, care and maintenance of the poor, and we have recommended that the plans for such buildings should be subject to the approval of the poor law commissioner, whose business it will be to make all such subjects his special study.

Section XVII. The provision of this section respecting the overseers is similar to that of most of the local acts erecting special districts.

Section XVIII. This section is also borrowed from the local acts, but we have taken the precaution to add provisions respecting the settlement of balances for and against the overseers.

Section XIX. In some of the counties which would become subject to the operation of this act there are township, borough or other poorhouses which would require perhaps to be sold, and by this section we

have provided a method for such sale, giving the court of quarter sessions large discretion in ordering the sale and disposing of the proceeds according to justice. The idea is that where a poorhouse is now maintained by several townships, or by a borough and a township, or a city and a borough, or any such union, that the court may apportion the proceeds of sale between the several divisions so that each division should receive out of the proceeds its just proportion for its own public use. We could not very well recommend that the money in such cases should go into the county treasury because not realized from a county purchase.

Section XX. We have condensed in this section the provision of the act of 1836 relating to penalties, fines and forfeitures with some slight changes.

Section XXI. This section is also taken from the special acts erecting local districts.

Section XXII. This section is drawn in accordance with the practice and the law in most of the county districts.

Section XXIII. We recommend the compensation of directors to be fixed at three dollars to put them upon an equality with county commissioners.

Section XXIV. This section is also drawn in accordance with the present law.

Section XXV. By this section we would make a considerable alteration in the settlement law. The thing to be done by any person to acquire a settlement is entirely arbitrary, and we believe it would be in the interest of justice to fix as simple a test as possible, and as residence is a part of every head of settlement we have determined upon recommending that persons should not be subject to removal after a *bona fide* residence of one year in a place. We have also provided that with respect to birth and settlement acquired through parentage, all children, whether legitimate or illegimate, should be on an equal footing and that the birth settlement, or the settlement by parentage, should continue until the age of sixteen. We also recommend that married women should be entitled to acquire a settlement by residence as well as single women, when dwelling apart from their husbands, and that children's settlements should follow that of the parent or step-parent having their custody. We believe that if the county system generally is adopted there will be very little need for the settlement law, and that as between the directors of the poor of counties the fact of *bona fide* residence will be sufficient for them to settle all such cases amicably among themselves and not resort to litigation.

Section XXVI. This is taken from the first section of the act of June 13, 1836, with slight necessary changes.

Section XXVII. This section is taken from the second section of the act of June 13, 1836. We have omitted the words "and for this purpose

they shall procure suitable places and a sufficient stock of materials" for the reason that we had made provisions for these things in other sections.

Section XXVIII. This section is taken from the fourth section of the act of June 13, 1836, with slight verbal changes.

Section XIX. This section is new although partly borrowed from the first section of the act of June 13, 1883, and is rendered necessary by that legislation.

Section XXX. We have endeavored in this section to simplify the procedure with respect to the removal of the poor, and have taken the jurisdiction from the justices of the peace, and given it directly to the court of quarter sessions of the county, or a judge thereof. We believe that this method will not only be simpler, but will be less subject to abuse.

Section XXXI. This section is somewhat similar to the provision in the act of 1836 upon the same subject, but is simpler and more definite.

Section XXXII. This section is partly taken from the twenty-sixth section of the act of June 13, 1836. In addition to the provision of that act we recommend that the "passing" of paupers from one district to another be prohibited, and we place the offense upon the same footing as that of bringing a poor person into the commonwealth. We have also thought it wise to add the words "with intent to relieve himself or some other place or district of the maintenance of such person," so that there should be no mistake as to the nature of the offense.

Section XXXIII. The twenty-fifth section of the act of June 13, 1836, extends the obligation to support poor relations to the father and grandfather, the mother and grandmother and the children and grandchildren. We think the relationship in some of these cases is too remote, and have decided to omit grandfather, grandmother and grandchildren, but we have added husband and wife, for the reason that under modern laws the wife has property rights equivalent to those of the husband. The provision in this connection respecting the husband and wife is new. There has not heretofore been any obligation on the part of the wife to support her husband out of her separate estate, and the only remedy the wife has heretofore had for maintenance has been through the provisions relating to desertion.

Sections XXXIV–XXXVII. These sections combine the provisions of the twenty-eighth, twenty-ninth and thirtieth sections of the act of June 13, 1836, respecting desertion, the first, second, third and fourth sections of the act of April 13, 1867, on the same subject, and the first section of the act of April 15, 1869, relating to discharge from prison.

Section XXXVIII. The thirty-third section of the act of June 13, 1836, gave the overseers certain powers respecting the property of poor persons, but these proved inadequate and from time to time other acts have been passed upon the subject. To simplify these provisions and to give

to the directors larger powers we have decided to recommend that they should be put precisely with respect to such poor people in the position of guardians of the persons and estates of minors, thus effectively treating a person who becomes a charge upon the poor funds of the county as a ward of the county. This creates no new system but simply applies the existing system to a new class of persons, and we believe that it will be beneficial and answer the purpose.

Section XXXIX. This provision is essentially the same as that of the seventh section of the act of June 13, 1836.

Section XL. The provisions here recommended for the punishment of refractory inmates of poorhouses is new only to the general law. It has been in force in special districts and is beneficial and needful.

Section XLI. This section provides for summary hearing in such cases.

Section XLII. The provision of this section for treating certain classes of paupers as vagrants, is borrowed from a law of the State of New York.

Section XLIII. This section is borrowed from a provision of the English law, and is for the encouragement of officers charged with the relief and maintenance of the poor, to associate and discuss questions relating to the administration of the laws. In fact, it is not unlike the holding of teachers' institutes under the school law.

Section XLIV. This section is taken from the first section of the act of May 15, 1874.

Section XLV. This section merely defines certain terms used in the bill.

Section XLVI. This section contains a schedule of acts of assembly which are supplied by the bill, and should be repealed if it becomes a law. As many of these acts, however, relate to other matters besides the relief of the poor and the administration of the poor law, we have put in the repealing clause the words "so far as they relate to the relief, care and maintenance of the poor, to the administration of the poor laws, to the supervision of the poor law authorities and to poor law procedure."

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AN ACT

For the Relief and Employment of the Poor Within the Several Counties of This Commonwealth, and for the Establishment of a Department of Poor Law Administration.

SECTION I. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of July, Anno Domini one thousand eight hundred and ninety-two, the poor of this commonwealth shall be relieved as hereinafter provided.

SECTION II. There shall be instituted forthwith, upon the passage of this Act, a Department of Poor Law Administration, and the Governor shall far that purpose nominate, and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Commissioner to be the head of such department, and the said commissioner shall hold his office for the term of four years and until his successor shall be appointed and duly qualified, and shall receive an annual salary of four thousand dollars, payable quarterly by warrant drawn by the Auditor General on the State Treasurer. The necessary office room for such department shall be provided at the capital.

SECTION III. The commissioner shall be styled "The Poor Law Commissioner of Pennsylvania." He shall have the direction and control of the administration of the relief of the poor throughout the state, according to this act, or such laws as shall be in force at the time being; and for executing the powers given to him hereby, the commissioner is hereby authorized and required from time to time, as he shall see occasion, to make and issue all such general orders, rules and regulations for the management of the poor, for the government of poor law institutions, for the custody, maintenance and training of poor children, for the guidance and control of directors and other poor law officers so far as relates to the management or relief of the poor and the keeping, examining, auditing and allowing of accounts, and making and entering into contracts in all matters relating to such management or relief, or to any expenditure therefor, and for carrying this act into execution in all other respects as he shall think proper; and the commissioner may at his discretion suspend, alter or rescind such orders, rules and regulations, or any of them; but the said commissioner shall not have power to order relief in any individual case. The commissioner shall have power, by summons, under his hand and seal, to require the attendance of witnesses, to administer to them an oath or affirmation, and to examine them and to require them to produce any books or writings upon any question or matter connected with or relating to the administration of the laws for the relief and employment of the poor.

SECTION IV. The commissioner shall cause to be made a seal of his department, and shall cause to be sealed or stamped therewith all rules, orders and regulations made by him in pursuance of this act, and all such rules, orders and regulations or copies thereof, sealed or stamped with the seal of said department, shall be received as evidence of the same respectively without any further proof.

SECTION V. No rule, order or regulation made by the commissioner shall be of any force or validity until twenty days after the same, duly signed and sealed, shall have been submitted to the Governor and the Attorney General and returned by them to him with their approval, and it shall be the duty of the commissioner, immediately upon such approval, to send a written or printed copy or copies of the same, by mail, addressed to the directors of the poor, or their clerk, and to the clerk of the court of quarter sessions of the peace of each county, and such directors and clerks are hereby required to keep and preserve the same, and give such publicity thereto as the said commissioner shall prescribe.

SECTION VI. The commissioner shall once in every year submit to the Governor a general report of his proceedings, including a copy of each rule, order or regulation by him made as aforesaid; and shall, from time to time, if directed, give to the Governor such information respecting his proceedings as he may require.

SECTION VII. The commissioner shall have power from time to time to appoint such persons as he may think fit to act as inspectors and assist him in carrying this act into execution, and to remove them at discretion and appoint others in their stead, and also to appoint one chief clerk. Two of said inspectors shall be designated as general inspectors, and the said general inspectors and the chief clerk shall each receive a salary of eighteen hundred dollars per annum, payable monthly by the State Treasurer upon the certificate of the commissioner, and in addition thereto the commissioner, the general inspectors and the chief clerk shall be reimbursed for traveling and other incidental expenses made necessary in the discharge of their duties; which expenses shall be paid on vouchers itemized, sworn to, and approved by the commissioner.

SECTION VIII. Each inspecter shall have the same power as the commissioner respecting the summoning, qualifying and examining witnesses and compelling the production of books and papers; and the commissioner and any inspector, under the direction of the commissioner, shall have power at all times to enter and inspect all poor law institutions, examine the inmates and provisions for their relief and employment, to examine all records, accounts, contracts or other writings connected with the same, to attend the meetings of the directors, and of the auditors, and generally to see that the rules, orders and regulations are obeyed and enforced, and to do all things necessary to secure such obedience and enforcement.

SECTION IX. If any person, upon any examination under the auth-

ority of this act, shall wilfully and corruptly give false evidence, he shall be guilty of wilful and corrupt perjury; and any person who shall wilfully refuse to attend in obedience to any summons of the commissioner or any inspector, or to give evidence, or shall wilfully alter, suppress, conceal, or destroy or refuse to produce any books, contracts, agreements, accounts or writings, or copies of the same, which may be so required to be produced before the commissioner or inspectors, shall be guilty of a misdemeanor, and on conviction be sentenced to pay a fine not exceeding two hundred dollars and suffer an imprisonment not exceeding six months, or both, or either, at the discretion of the court.

Section X. Witnesses summoned and attending shall be allowed witness fees and mileage as for attendance at court, to be paid by the directors out of the poor fund of the county; but if such witnesses are required to appear out of the county, then such fees and mileage shall be paid as a part of the ordinary expenses of the poor law department.

Section XI. Each county of this commonwealth shall constitute a separate poor district, and at the next general election after the passage of this act, the qualified voters of each county shall elect three directors of the poor for the poor district composed of such county, one to serve one year, one to serve two years and one to serve three years; and annually thereafter one to serve three years from the first Monday of January next after their election and until their successors shall be duly qualified: *Provided*, That in any district hereafter established or coming under the operation of this act, the directors shall be elected at the succeeding general election as hereinbefore provided. The directors and their successors shall be known as "The Directors of the Poor of ——— County," and shall forever thereafter, in name and in fact, to all intents and purposes, relative to the relief and employment of the poor, be and they are hereby declared to be bodies politic and corporate in law, and shall have perpetual succession, and may sue and be sued by the name, style and title of "The Directors of the Poor of ——— County," and by that name receive, take and hold lands, tenements and hereditaments, and any goods and chattels whatsoever of the gift, alienation or devise of any person and dispose of the same for the benefit of the poor aforesaid. Each director shall, before entering upon the duties of his office, give a bond to the commonwealth for the use of the county for the faithful discharge of his duties and the proper application of any moneys which may come into his hands in such sum and with such sureties as may be fixed and approved by the court of quarter sessions of the proper county; and the directors may at any time be required to give additional bonds at the discretion of the said court.

Section XII. The directors of every county shall meet and organize on the first Monday in January of each year, and proceed to choose a clerk and to fix his salary, and make an estimate of the probable cost and expense of providing necessary accommodations, employment and

relief of the poor of the county for the ensuing year; and for the first year the probable cost of the relief of the poor shall be based upon the average cost throughout the county for the relief of the poor during the three preceding years. The probable cost for accommodations, including the expense of purchasing land, erection of buildings, improvements, machinery, furniture and stock, or either of them, shall be certified under the hands of the directors, attested by the clerk, and a copy thereof delivered to the county commissioners. The estimated cost and expense of employment and relief of the poor, and other expenses, shall be separately certified in like manner and a copy thereof delivered to the county commissioners. And the county commissioners are hereby authorized and required to assess, levy and cause to be collected the amount or amounts so certified in addition to the ordinary county tax, to be levied upon the basis of the last adjusted valuation made for county rates and levies, and to be collected in the same manner as other county taxes are collected in said county, which sum or sums so levied and collected shall be paid out by the county treasurer, upon the warrants of the directors. The accounts of the directors shall be audited annually by the county auditors at the same time and in the same manner in all respects as is now or may hereafter be provided by law for auditing the accounts of the county commissioners. And the county commissioners are hereby further authorized and empowered to borrow money for the purposes of this act, and issue bonds therefor, and such bonds shall not be of a denomination less than one hundred dollars, nor bear interest at a higher rate than six per centum per annum; they shall be payable by the county, shall not be sold below par, and shall not be subject to taxation except for state purposes.

Section XIII. The directors shall provide for the employment and relief of the poor of the county in a suitable poorhouse or houses within or without the county, to be approved by the poor law commissioner, and all contracts for such relief and employment shall be subject to his approval. The directors may employ and fix the compensation of a superintendent, a matron, a physician or physicians, surgeon or surgeons, and such other attendants and assistants as may be necessary, and discharge them at will, except that the superintendent and matron shall not be discharged without the consent of the poor law commissioner. The directors shall also have the power to appoint in each township, borough and ward, a relieving officer who shall administer relief therein under the supervision of the directors and pursuant to such rules and regulations as may be prescribed. The directors may require any officer or employé appointed or employed by them under this act to give a bond or bonds for the faithful discharge of his duties.

Section XIV. The directors, relieving officers and superintendents of almshouses shall have power to administer oaths or affirmations in all matters relating to the duties of their office.

SECTION XV. When the directors of any county shall by resolution determine that it is necessary to purchase land for the purpose of carrying this act into execution, they shall certify such resolution to the clerk of the court of quarter sessions of the peace of the county, who shall make a record thereof, and thereupon the president judge of such court, if he be a resident of the county, and, if not, then a resident judge thereof to be assigned by the president judge, with the county commissioners and the directors, shall constitute a board for the purpose of purchasing such land. The said board shall meet at a time and place to be fixed by the judge serving thereon, who shall act as president thereof. Each member of the said board shall have at least five days' notice of the time and place of meeting. The said board, or a majority thereof, shall proceed forthwith to select and purchase upon the credit of the county such land or lands, with improvements, if any, and appurtenances, as they may deem necessary and sufficient for the relief and employment of the poor of the county, and shall take a conveyance or conveyances therefor in the name of the directors of the poor of the county, their successors and assigns. The said board shall certify their proceedings and the conditions of sale upon which they may have agreed, under their hands and seals, to the clerk of the court of quarter sessions of the peace, to be filed and entered as a part of the proceedings, and the said clerk shall thereupon deliver to the clerk of the county commissioners a certified transcript of such proceedings. The purchase money, in accordance with the conditions of such sale, shall be paid or secured by the county commissioners.

SECTION XVI. When the directors of any county shall by resolution determine that it is necessary to erect, enlarge, rebuild or alter the plan of any building for the purpose of carrying this act into execution, they shall procure plans and specifications for all of such work determined upon, and submit the same to the poor-law commissioner, and no building shall be erected or enlarged or other permanent improvement made or contracted for without his approval and consent. When the consent and approval of the poor law commissioner is obtained to such plans and specifications, the directors shall have power to let a contract or contracts in accordance with such plans and specifications, by public advertisement as directed by the commissioner by endorsement upon said plans and specifications. And no such work shall be finally accepted without the approval of the commissioner.

SECTION XVII. On or before the said first day of July, Anno Domini one thousand eight hundred and ninety-two, notice shall be given by the directors to the overseers, or other authorities in charge of the poor in the several districts in each county, requiring them forthwith to bring the poor of their respective districts to the said poorhouse or poorhouses provided to receive them, which order the said overseers or other officers in charge of the poor are hereby required to comply with or forfeit the

cost of all future maintenance, except when, in case of sickness or other sufficient cause, any poor person cannot be removed, in which case the directors shall provide for the relief of such poor person until he can be removed to the poorhouse.

SECTION XVIII. As soon as the overseers of the poor or other officers having charge of the poor shall have been superseded in such charge by the directors, their offices shall terminate and the said overseers or other officers shall settle their accounts and have them duly audited, and in case such overseers or other officers have in their hands a balance due the district, such balance shall be paid over by them to the proper supervisors of roads of the township, township treasurer, or city or borough treasurer respectively for the use of the same township, city or borough respectively, and in case any balance shall be due such overseers or other officers then it shall be the duty of the supervisors of the township or the city or borough councils to reimburse them, provided that in case such overseers or other officers shall have had charge of the poor in a district composed of several territorial divisions, then such balance due from or to the overseers or other officers shall be divided and paid to or by the said several divisions upon the basis and proportion of the amount of the last tax levied and collected in each for poor purposes and the sum due to or from each division shall be settled by the auditors.

SECTION XIX. The courts of quarter sessions of the peace of the several counties of this commonwealth shall have jurisdiction and are hereby authorized to decree the public or private sale of any real estate now held for poor law purposes in any county, city, borough, township or poor district at such time and in such parts and parcels and upon such terms as in the opinion of such court may be considered just and proper, and the said court shall make such order respecting the proceeds of such sale as justice and equity may require. The application for such sale may be made by the councils of any city, the council of any borough, the commissioners of any county or the supervisors of any township wherein or whereby the same may have been purchased and owned, or by any twenty-five taxpayers of the district, and shall be verified by affidavit. The court may appoint such auditors to ascertain the facts relative to such application and such commissioners to make the sale as may by them be deemed expedient. In case any present district extends into more than one county, the court of the county which now has jurisdiction thereover respecting the poor laws shall have the powers conferred by this section.

SECTION XX. All penalties, fines and forfeitures which are now payable by virtue of any law to the overseers of the poor of any district shall, from and after the passage of this act, be payable to the county treasurer for the use of the directors of the proper county. Any justice of the peace, clerk of a court, sheriff or other officer who may by virtue

of any law of this commonwealth receive any such penalty, fine or forfeiture, or portion thereof, for the use of the poor of any district, shall give notice of the same in writing, within ten days thereafter, to the clerk of the directors of the respective county, and the said clerk shall forthwith receive and receipt for such penalty, fine or forfeiture, and pay the same to the county treasurer. And it shall be the duty of the directors in case any justice of the peace, clerk of a court, sheriff or other officer neglects to give such notice, or fails to pay over the said money upon demand, to prosecute such officer for misdemeanor in office, and such officer upon conviction in the court of quarter sessions of the peace shall be sentenced to pay a fine not exceeding one hundred dollars for the use of the directors of the poor of the county, or give bail to pay the same within ten days, or be committed to the county prison until such sentence be complied with.

Section XXI. The said directors, of whom two shall be a quorum, shall meet at least once each month, at a fixed place, for the transaction of business, and the clerk shall record their proceedings in a book to be provided by them for that purpose. The said directors, or at least one of them, to be from time to time designated by the board, shall visit and inspect the poor law institution or institutions of the county every week and make a report thereon in writing to the board at its next meeting.

Section XXII. Each director shall have power by written order to admit persons entitled to relief under this act to the poorhouse. The superintendent may also, in emergency or upon written request of a relieving officer, receive into the poorhouse and provide for any poor person until the next meeting of the board; all admissions upon orders or otherwise shall be acted upon by the board at its next meeting.

Section XXIII. Each director shall receive three dollars for every day necessarily spent, and three cents circular for each mile exceeding one mile necessarily traveled by him in the discharge of the duties of his office.

Section XXIV. In case of vacancy in the office of director by death, resignation or otherwise, the court of quarter session of the peace of the same county shall fill such vacancy by appointment of a person to serve until the next general election, to happen not less than two months after such vacancy shall occur, when another director shall be elected to serve for the unexpired term of the director whose place has become vacant.

Section XXV. A settlement may be gained in any district by any person, married or single, who *bona fide* comes to inhabit therein and continues to reside there for one year. Persons born in a place, whether legitimate or illegitimate, shall be deemed to be settled there unless the parent having their custody be settled elsewhere, and all children shall follow the settlement of the parent or parents, stepfather or stepmother, having their custody until the age of sixteen years and wives shall follow the settlement of their husbands, if they have any, so long as they lawfully dwell together.

SECTION XXVI. It shall be the duty of the directors of each county to provide for every poor person within the county who shall apply to them for relief, in accordance with the provisions and true intent of this act.

SECTION XXVII. If such poor person be able to work, but cannot get employment, it shall be the duty of the directors to provide work for him according to his ability.

SECTION XXVIII. If such poor person by reason of age, disease or other disability be unable to work it shall be the duty of the directors to furnish him necessary relief.

SECTION XXIX. If such poor person be a child under the age of sixteen years it shall be the duty of the directors to provide for his proper training and employment and for this purpose, under the orders to be made by the poor-law commissioner, they are authorized and empowered to maintain such child in some respectable family in the state or in an industrial school or other suitable institution until he attains the age of sixteen years. But no child between the ages of two and sixteen years shall be maintained in the poorhouse for more than sixty days unless such child be an unteachable idiot, an epileptic, a paralytic or otherwise so disabled or diseased as to render him incapable of labor or service.

SECTION XXX. In case any such poor person shall have no settlement in the district where he applies for relief, it shall be the duty of the directors as soon as may be, to notifiy the directors of the place of his settlement of the facts, and from the time of such notice the cost of his relief shall be charged to the district of his settlement. If the directors so notified refuse or neglect to receive him, the directors furnishing such relief may apply to the court of quarter sessions of the peace of their county, or to any judge thereof, by petition setting forth the facts, for a citation on the directors so refusing or neglecting, requiring them to appear before such court at a time to be specified therein, and show cause why an order should not issue for the removal of such poor person into their custody to be provided for by them, and the said court shall proceed to hear and determine the cause upon its merits, and their decree thereon shall be final. The citation herein provided for may be served by any officer of the law or by any agent of the petitioners, and such service may be made by delivering a copy thereof to one or more of the directors named therein or their clerk, and shall be served at least twenty days before the day fixed for such hearing.

SECTION XXXI. In case an order of removal is granted by any court of quarter sessions of the peace under the provisions of this act, the court shall in the same order require the directors of the place of settlement to pay to the petitioners the cost of the proceeding, the expenses of removal and the proper charges for the relief of the poor person from the date of the notice first above provided for, all of which expenses, cost and charges shall be ascertained and allowed by the court. If an

order of removal is refused the cost of the proceeding shall be paid by the directors petitioning therefor.

SECTION XXXII. If any person shall bring or send, or cause to be brought or sent, any poor person from any place without this commonwealth to any place within it, or from any place within this commonwealth to any other place within it where such person was not last legally settled and there leave or attempt to leave such person with intent to relieve himself or some other place or district of the maintenance of such person, he shall forfeit and pay the sum of one hundred dollars for every such person, and be and become liable to pay all the costs and charges respecting the maintenance and removal, or either, of such persons, to be sued for and recovered by the directors of the county into which such poor person may have been brought or sent, as ordinary debts are sued for and recovered.

SECTION XXXIII. The husband, the wife, the father, the mother, and the children, respectively, of every poor person shall at their own charge, being of sufficient ability, relieve and maintain such poor person at such rate as the court of quarter sessions of the peace of the county where such persons reside shall order and direct, on pain of forfeiting a sum not exceeding twenty dollars for every month they shall fail therein, which shall be levied by process of said court and be applied to the relief and maintenance of such poor person. And it shall be the duty of the directors to make suitable applications to the said court in all such cases.

SECTION XXXIV. If any husband or father shall separate himself from his wife or from his children, or from his wife and children, without reasonable cause, or shall neglect to maintain his wife or children, it shall be lawful for any alderman, justice of the peace or magistrate of this commonwealth upon information made before him under oath or affirmation, to issue his warrant to any constable for the arrest of the person aganist whom the information shall be made as aforesaid, and if, upon hearing, the complaint appears to be well founded, to bind him over with one or more sufficient sureties to appear at the next court of quarter sessions of the peace, there to answer the said charge of desertion.

SECTION XXXV. The information, proceedings thereon and warrant shall be returned to the next court of quarter sessions of the peace, when it shall be lawful for said court, after hearing, to order the person against whom complaint has been made, being of sufficient ability to pay such sum as said court shall think proper for the reasonable support and maintenance of the wife or children or both, and to commit such person to the county prison, there to remain until he comply with such order or give security by one or more securities to the commonwealth in such sum as the court shall direct for the compliance therewith.

SECTION XXXVI. Whenever the court of quarter sessions of the peace commits any person to the county prison under the provisions of the pre-

ceding section, it shall be lawful for the said court at any time after three months, if they shall be satisfied of the inability of such person to comply with the said order and give such security, to discharge him from imprisonment.

SECTION XXXVII. The cost of all proceedings by virtue of sections XXXIV and XXXV of this act shall be paid by the prosecutor or the defendant, or jointly between them, or by the county, as the court may direct.

SECTION XXXVIII. When any person shall become a charge upon any district under the provisions of this act the directors may file a certificate setting forth the fact of chargeability, in the office of the clerk of the orphans' court of such county, and attach thereto an inventory of all property, real, personal and mixed, which may be owned by such poor persons, or to which the directors may believe the said poor person is entitled, and thereupon the said directors shall be and become to all intents and purposes guardians of the person and estate of such poor person (whether all of such estate be enumerated in the inventory or not), with all the rights at law now enjoyed by guardians of the persons and estates of minor children. No poor person in such case shall be discharged from such guardianship, and his property shall not be released therefrom until he has made application to the said court by petition for a citation upon the directors, and, after service thereof, has fully satisfied the court that he has become able and willing to resume control of his own person and estate, and that the said district has been fully reimbursed for the expense of his maintenance, or that all of his estate has been applied thereon. The cost of such proceedings shall be paid by the petitioner, unless otherwise ordered by the court.

SECTION XXXIX. In all cases where it shall be ordered that relief be given in a poorhouse, and the person to be relieved refuses to enter the poorhouse, or to abide by the rules applicable in such case, no relief shall be furnished to such person.

SECTION XL. If any poor person in receipt of relief refuses to perform the labor prescribed in his case by the proper authority, injures, destroys or defaces the property of the institution, or in any manner becomes insubordinate, it shall be the duty of the directors to make complaint against him before some justice of the peace, alderman or magistrate of the county.

SECTION XLI. In case of complaint made under the preceding section it shall be the duty of the said justice of the peace, alderman or magistrate to summarily hear such complaint, and if he adjudge such person guilty of the offense charged, to commit the offender to the county jail for a term not exceeding six months, with or without labor, the cost to be paid by the directors complaining.

SECTION XLII. If any person who has received relief in a poorhouse in any county of this commonwealth departs therefrom without being

duly discharged and is found within one year thereafter applying for relief or begging he shall be deemed a vagrant, and it shall be the duty of the directors to make information against him according to law.

SECTION XLIII. The directors of each county shall have power to defray their expenses in attending the annual meetings of the Association of State Directors of the Poor, or other poor law conference in the state, and to pay their proportion of the cost of such convention or conference, not exceeding twenty dollars annually.

SECTION XLIV. It shall not be lawful for any director of the poor to be concerned or personally interested in any contract for furnishing supplies for the maintenance of the poor or for the construction or improvement of property under their control. Any violation thereof shall be deemed a misdemeanor in office, and upon conviction thereof the party or parties so offending shall be fined in a sum not exceeding five hundred dollars and shall be adjudged by the court to be removed from office.

SECTION XLV. In the construction of this act the word "*commissioner*" shall be construed to mean the Poor Law Commissioner of Pennsylvania; the word "*director*" shall be construed to mean director of the poor; the word "*district*" shall be construed to mean any territorial division charged with the maintenance of its own poor; the word "*poor*" shall be construed to include any pauper, or poor, or indigent person being destitute and applying for or receiving relief from the public taxes or levies in this commonwealth, or chargeable thereto; the term "*poorhouse*" and the term "*poor law institution*" shall be construed to include every tenement owned, rented, occupied or used by or for the officers of any district in the relief, care or maintenance of the poor; and whenever in this act, in describing any person or party, matter or thing, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, and several matters and things as well as one matter or thing, respectively, unless there be something in the subject or context repugnant to such construction.

SECTION XLVI. The following acts are hereby repealed so far as they relate to the relief, care and maintenance of the poor, to the administration of the poor laws, to the supervision of poor law authorities and to poor law procedure:

The act of March nine, one thousand seven hundred and seventy-one, entitled "An act for the relief of the poor."

The second section of the act of March twenty-four, one thousand eight hundred and three, entitled "An act to authorize the several courts of quarter seesions within their respective counties, to lay off, alter and divide townships, and for other purposes."

The act of January eighteen, one thousand eight hundred and twenty-

one, entitled "An act requiring directors of the poor to publish their respective accounts annually."

The twenty-sixth section of the act of April fifteen, one thousand eight hundred and thirty-four, entitled "An act relating to county rates and levies and township rates and levies."

The act of June thirteen, one thousand eight hundred and thirty-six, entitled "An act relating to the support and employment of the poor."

The act of April fifteen, one thousand eight hundred and fifty-seven, entitled "A supplement to an act relating to the support and employment of the poor, approved the thirteenth day of June, Anno Domini eighteen hundred and thirty-six."

The act of March sixteen, one thousand eight hundred and sixty, entitled "An act requiring supervisors of roads and overseers of the poor of this commonwealth to give security."

The act of April thirteen, one thousand eight hundred and sixty-seven entitled "An act for the relief of wives and children deserted by their husbands and fathers within this commonwealth."

The act of April fifteen, one thousand eight hundred and sixty-seven, entitled "An act to provide for the payment of costs in the removal of paupers in certain cases."

The act of March sixteen, one thousand eight hundred and sixty-eight, entitled "An act to authorize writs of error to the judgment of the courts of quarter sessions on appeals from the orders of removal of paupers."

The act of April fifteen, one thousand eight hundred and sixty-nine, entitled "A supplement to the act for the relief of wives deserted by their husbands in the county of Lancaster, and other counties, approved the twenty-seventh day of February, one thousand eight hundred and sixty-seven."

The act of April twenty-four, one thousand eight hundred and sixty-nine, entitled "An act to create a Board of Public Charities."

The act of April five, one thousand eight hundred and seventy-two, entitled "A supplement to an act, entitled 'An act to create a Board of Public Charities,' approved the twenty-fourth day of April, A. D. one thousand eight hundred and sixty-nine."

The act of May fifteen, one thousand eight hundred and seventy-four, entitled "An act defining the duties of directors of the poor where such office exists in the several counties of this commonwealth."

The act of May eight, one thousand eight hundred and seventy-six, entitled "An act to provide for the erection of a poorhouse, and for the support of the poor in the several counties of this commonwealth."

The act of March twenty-four, one thousand eight hundred and seventy-seven, entitled "A supplement to an act, entitled 'An act to provide for the erection of a poorhouse and for the support of the poor in the several counties of this commonwealth,' approved May eight, one thousand eight hundred and seventy-six."

The act of April four, one thousand eight hundred and seventy-seven, entitled "A supplement to an act, entitled 'An act relating to the support and employment of the poor,' approved the thirteenth day of June, Anno Domini eighteen hundred and thirty-six."

The act of May eighteen, one thousand eight hundred and seventy-eight, entitled "An act supplementary to an act, entitled 'An act to provide for the erection of a poorhouse and for the support of the poor in the several counties of this commonwealth,' approved the eighth day of May, Anno Domini eighteen hundred and seventy-six, providing for the better government of such institutions."

The act of May twenty-five, one thousand eight hundred and seventy-eight, entitled "An act to authorize certain corporations for charitable purposes to receive and bind out upon indenture children committed to their charge whose maintenance is not provided for by their parents or guardians."

The act of April ten, one thousand eight hundred and seventy-nine, entitled "An act to authorize the directors of the poor and poorhouses in the several counties of this commonwealth to rebuild any poorhouses in the respective counties, where such poorhouses have been or may be hereafter burnt down by fire, and to authorize the county commissioners in such counties to levy and collect the taxes necessary to pay the expenses of such rebuilding."

The act of April twenty-two, one thousand eight hundred and seventy-nine, entitled "An act extending the powers and authority of county auditors, authorizing them to settle, audit and adjust the accounts of the directors of the poor of the several counties of this commonwealth."

The act of May thirteen, one thousand eight hundred and seventy-nine, entitled "An act providing for the more speedy relief of poor and indigent persons in poor districts where the directors of the poor are appointed by the courts of quarter sessions."

The act of June four, one thousand eight hundred and seventy-nine, entitled "An act to create poor districts and to authorize the purchase of lands and erection of buildings to furnish relief and give employment to the destitute poor and paupers in this commonwealth."

The act of June four, one thousand eight hundred and seventy-nine, entitled "A supplement to an act to authorize the directors of the poor and poorhouses, in the several counties of this commonwealth, to rebuild any poorhouses in the respective counties, where said poorhouses have been or may hereafter be burnt down, and to authorize the county commissioners in such counties to levy and collect the taxes necessary to pay the expenses of such rebuilding, approved tenth day of April, one thousand eight hundred and seventy-nine, amending the fifth section of said act in regard to the bonds to be given by directors."

The act of June two, one thousand eight hundred and eighty-one, entitled "An act to amend the first section of an act, entitled 'An act ex-

tending the powers and authority of county auditors, authorizing them to settle, audit and adjust the accounts of the directors of the poor of the several counties of the commonwealth,' approved the twenty-second day of April, Anno Domini one thousand eight hundred and seventy-nine."

The act of June eight, one thousand eight hundred and eighty-one, entitled "An act defining what is taxable for poor purposes, and providing for the assessing and approving the same."

The act of June ten, one thousand eight hundred and eighty-one, entitled "An act regulating the election of overseers of the poor."

The act of June thirteen, one thousand eight hundred and eighty-three, entitled "An act to prohibit the receiving and detaining of children in almshouses and poorhouses, and to provide for the care and education of such children."

The act of June twenty-four, one thousand eight hundred and eighty-five, entitled "An act to provide for filling vacancies in the office of director of the poor."

The act of June twenty-five, one thousand eight hundred and eighty-five, entitled "An act for the relief and benefit of injured indigent persons, whether resulting in death or not, and to make provision for expenses incurred in taking charge of the same, where such parties are not residents of the county wherein said accidents, or injuries, or deaths may have occurred."

The act of June thirty, one thousand eight hundred and eighty-five, entitled "An act to amend the seventh section of an act relating to the support and employment of the poor, approved the thirteenth day of June, Anno Domini one thousand eight hundred and thirty-six, authorizing the overseers of the poor of any district to purchase or lease real estate."

The act of April twenty-eight, one thousand eight hundred and eighty-seven, entitled "An act to authorize the courts of common pleas to decree the sale of real estate, held for poor purposes, in the several counties, boroughs, townships and poor districts in this commonwealth, and the reinvestment of the proceeds thereof."

The act of May twenty-four, one thousand eight hundred and eighty-seven, entitled "An act authorizing the overseers of the poor of the respective counties, townships and boroughs of this commonwealth to sell and dispose of the real estate of paupers insane, or to borrow money upon mortgage of pauper real estate."

The act of May thirteen, one thousand eight hundred and eighty-nine, entitled "An act regulating the payment of traveling expenses of directors of the poor and county commissioners within this commonwealth.',

The act of May thirteen, one thousand eight hundred and eighty-nine, entitled "An act to authorize the directors of the poor of the several counties, and the overseers of the poor of the several poor districts of

the Commonwealth of Pennsylvania, to sue for and recover any and all choses in action belonging to any person who is now, or may hereafter, become chargeable to their respective counties or poor districts."

All of which is respectfully submitted."

LEWIS PUGHE, *Chairman.*
WILLIAM LAWSON,
D. WATSON ROWE,
W. ED. MARSH,
WILLIAM NEVIN APPEL,
ROBT. D. McGONNIGLE,
J. NEVIN HILL,
Commissioners.

Attest:

ELLIOTT RODGERS, *Clerk.*

HARRISBURG, PA., *December 16, 1890.*

TABLE FROM APPENDIX G.

A comparative statement of the cost of maintaining the poor for the year 1886, in the several poor districts as hereinafter set forth, taking for the purpose (the difference in cost) the census of 1880 of the several districts, and the number of taxables is the same as returned by the county commissioners of the respective counties to the Secretary of Internal Affairs for the year 1886:

Districts.	Total expenditure.	Deduct paid for improvements.	Ordinary expenses.	Population, 1880.	Cost per head of population.	Taxables, 1886.	Cost per taxable.
Schuylkill county,	$78,827 97	$11,388 28	$67,439 69	129,974	$0.520	40,675	$1.657
Columbia county—							
Bloomsburg,	6,405 49	.....	6,405 49	7,631	0.840	2,405	2.663
Centralia and Conyngham,	7,758 59	.....	7,758 59	3,691	2.102	1,185	6.547
Northumberland county—							
Sunbury,	3,500 85	667 83	2,833 02	4,077	0.695	1,708	1.659
Lower Augusta,	904 80	.....	904 80	1,194	0.758	308	2.937
Shamokin township,	584 71	.....	584 71	*1,109	0.527	378	1.546
Mt. Carmel township,	7,728 91	.....	7,728 91	3,126	2.472	996	7.760
Zerby township,	2,645 29	.....	2,645 29	1,147	2.306	504	5.248

* In 1880 Shamokin township comprised what was in 1886 Shamokin and Ralpho townships, and the population of Shamokin township, as above stated, is estimated.

SPECIAL REPORT ON THE ENGLISH POOR LAW SYSTEM.

To the Chairman and Members of the Commission to Revise and Codify the Poor-Laws of Pennsylvania:

GENTLEMEN: By your direction and bearing a special commission from his Excellency Governor James A. Beaver, I visited London, England, during the past summer to complete, as far as possible, an examination of the English poor law system, and I have the honor now to lay before you a resumé of my work.

The importance of an understanding of the present English system arises from the activity of legislation upon the subject in that country, as well as from the fact that our own laws, general and special, have their roots in that legislation. At the time of the founding here of the colonial government the mother country was engaged in a desultory warfare with that species of pauperism which at once robs the tax-paying citizen and hinders the state in its efforts to ameliorate the condition of the worthy poor. Some measure of destitution accompanied the prosperity of the colony and independent state. To relieve this, provisions of the English laws were reënacted by our legislature, and the office of overseer of the poor was early engrafted upon our growing system of local government. Owing to the unequal growth in population of different counties of the state and to the centering of industrial enterprises, new legislation of a special and local character soon followed, and in the larger counties the town and township overseers were from time to time supplanted by county directors. This legislation for the most part also had various English acts for models. Up to the time of the adoption of the present State constitution[1] the local acts had become very numerous, while little effort was made to improve the general law. With the adoption of the new constitution, however, the period of special legislation closed, and the importance of revising the laws for the benefit of the whole state, according to the spirit of the constitution, has since pressed to the front. Observing that, in the absence of a written constitution, English legislation had meanwhile steadily centered toward a general poor law for the whole of England and Wales, with practical uniformity in administration, and

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[1] 1873.

that this was in the face of conditions respecting special legislation similar to our own, the importance of obtaining some knowledge of the present system, how that system was established and its success, seemed doubly important. To assist us in drawing a bill under our appointment, and to be able to lay some account of the experience of England in dealing with this subject before our legislature, for its information, you have requested me to make this report, and I now comply.

The field of investigation is so vast that I cannot be expected to go over it minutely. As I believe, however, that little attention has been paid in this state, either to the history or literature of the subject, I propose to review the course of legislation circumstantially to the present period. This, I confidently believe, will illuminate the question and prepare the way for a more comprehensive reform.

The most interesting and important period of legislation was that of the time of Queen Elizabeth, but to rightly appreciate the purpose and intent of the law makers of that reign it may be important to go back to a still earlier period.

PRIMITIVE STATUS OF LANDLESS MEN.

Prior to the conquest[1] provision was made by the laws of Athelstan[2] and Canute[3] to remedy whatever annoyance was occasioned by the presence of independent and irresponsible people. These laws required the "kindred" to domicile such persons, and to find them "lords" in the "folkmote;" and it was provided that "if any landless man should become a follower in another shire and again seek his kinsfolk, that he may harbour him on condition that he[4] make bot[5] for him."[6] This was an age when the people continued in their cultivating groups the tribal form of society and the folkmote (folcgemot) was the popular court of the district, possessing some remnant of legislative power, and attesting the original independence of the Germanic peoples. These primitive societies retained much of a communal nature, and it is quite evident that, while some measures were necessary to prevent the wandering of landless men (that is, common laborers, peasants) from one place to another, there could exist no such class, as in more modern times is designated "the poor." All landless men were poor, but their lords were responsible for their maintenance, as well as their acts. The tendency of these cultivating groups to break up, which is perhaps indicated by the laws of Athelstan and Canute, was somewhat checked by the Conquest when the feudal system was either introduced or brought to greater perfection. During the succeeding reigns men who

[1] 1066.

[2] 924.

[3] 1017.

[4] *i. e.*, the kinsman.

[5] bot, satisfaction for an injury—become surety.

[6] Nicholls' History of the English Poor Law, v. 1, p. 13.

were born to the soil were bound down to servitude with a yoke of iron. A single act of the time of Henry III. may be referred to as illustrative of the servile condition of labor at this time. "Farmers," it provided, "shall not make waste, or sale, or exile in the woods, houses, *men*, or in anything else belonging to the tenements which they have to farm, unless they have a special grant in the writing of their covenant, making mention that they may do so."[1] Sir George Nicholls quotes Sir Frederick Eden as writing authoritatively of this period of English history as follows: "If we except the baronial proprietors of land, and their vassals, the free tenants and socmen, the rest of the nation seems to have been involved in a state of servitude which, though qualified as to its effects, was uniform in its principle that none who had been born in, or had fallen into bondage, could acquire the absolute right of property. * * * In both magna charta, and the charter of Henry the Third in 1225, a class of men are mentioned who appear to have been considered in the light of movable property. The prohibition to guardians from wasting the men and cattle on the estates of minors, is a clear proof that villeins who held by servile tenures, were looked upon in the light of negroes on a rice, a tobacco or a sugar plantation. Long after the year 1225 they were considered as a salable commodity, etc.[2]

Villeinage did not come to a definite end indeed, until about the time of Richard the Third, A. D. 1483, when feudalism had practically disappeared, and the amalgamation of the Normans and the Saxons had developed the progenitors of the modern race of Anglo-Saxons.

This change was not effected without public disorders. The great plague[3] was an important factor in directing the movement of the great body of landless men, and Wat Tyler's Rebellion[4] brought it into unusual prominence. What, with the breaking up of vassalage during the reigns of Edward the Second, Edward the Third and Richard the Second, the gradual emancipation of the villeins, or serfs, the disappearance of the cultivating groups, the increase of the population and the application of the law of contract to manual labor, in the absence of adequate fields of employment for men trained in a great measure to agriculture alone, the statesmen of England had a most serious political and economical condition to deal with. It was not until after the Tyler Rebellion that the impotent poor were mentioned in the statutes as a class worthy of special attention.[5]

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[1] 43 Hen. III., c. 23, A. D. 1259.

[2] Eden—History of the Labouring Classes.

[3] 1348.

[4] 1381.

[5] 1388, 12 Ric. II.

EFFORTS TO SUPPRESS VAGRANCY.

The laws for the most part were inspired by that spirt which seeks to drive where it does not see how to lead. "Every man and woman, of whatsoever condition, free or bond, able in body, and within the age of three-score years not living in merchandise, nor exercising any craft, nor having of his own whereof he may live, nor proper land about whose tillage he may himself occupy, and not serving any other," was required by the Statute of Labourers[1] "to serve him which shall require, and to take only the wages, livery, meed or salary *which were accustomed to be given* in the places where he oweth to serve." And, in default, the laborer was subject to "be taken and committed to gaol, there to remain under straight keeping till he find surety to serve in the form aforesaid." This act, in requiring surety, and marked the effort of statesmen to preserve customary prices for labor as against wages under free contract. Succeeding legislation became more severe. Under a law of 34 Edward III.[2] the laborer or artificer who absented himself from service could be branded on the forehead with the letter F, "in token of falsity." Under another of 12 Richard II.[3] servants and laborers were required to remain within the hundred, rape or wapentake where they were employed, and if found wandering abroad without letters patent under the King's seal they were to be taken and put in the stocks and kept until they could find surety for their return to service. This statute also treated beggars able to serve in the same way, but provided that such as were impotent might "draw them to other towns within the hundred, rape or wapentake, or to the towns where they were born" within forty days after its proclamation, in the event that "the people of the cities and towns" where they then were "will not, or may not suffice to find them." Having withdrawn themselves, as permitted, into another place, however, they were required to there "continually abide during their lives." By the statute 2 Henry VII., c. 2,[4] entitled "An act against vagabonds and beggars," the stocks were substituted for the gaol. The offender was to be set in the stocks for three days and nights and supplied with bread and water alone. "And if he eftsones be again taken in the same town or township" it is further provided "he is then to be set in the stocks the space of four days with like diet." The act also prohibited every person, under penalty, from supplying any other food to such beggars. It is thought that this last provision pointed at almsgiving as being one cause of the evil of vagabondage. But the summit of cruelty in this legislation was reached in the time of Henry the Eighth, during whose reign[5] the

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[1] 23 Ed. III.

[2] 1360.

[3] 1389.

[4] 1496.

[5] 1509–1547.

monastic institutions which had been accustomed to relieving the hungry and the wayfarer, were suppressed. The statute 22 Henry VII., c. 12, "concerning the punishment of beggers and vagabonds," after reciting that "in all places throughout this realm, vagabonds and beggars have of long time increased, and daily do increase in great and excessive numbers," provided among other things that justices and other officers should seek out the aged poor and impotent persons in their districts and license such "as they think convenient" to beg within certain defined districts. A register of their names was to be kept. If the licensed beggars asked alms outside of their districts they might be punished in the stocks. If any such impotent person were found begging without a license he might be taken and brought to a justice or constable, and the officer was to command him to be stripped naked from the middle upwards, and to be whipped; or the officer might command him to be set in the stocks. After punishment the culprit was to be furnished with a begging license. If, however, any person "bring whole and mighty in body and able to labor," was found begging, or out of employment and unable to give any account of how he obtained his living, officers and people were required to apprehend him and bring him before the justice or other officer who might cause him to be taken to the next market town and be there tied to the end of a cart naked, and be beaten with whips throughout the same town or other place, till his body be bloody by reason of such whipping, and after such punishment he shall be enjoined upon his oath to return forthwith the next straightway to the place where he was born, or where he last dwelled, the space of three years, and there put himself to labour like as a true man oweth to do." After this punishment the beggar, or idle person, was to be furnished with a letter certifying the fact of punishment and authorizing him to beg by the way as he returned to the place where he was born or had dwelled for three years. If, however, he failed straightway to return, as required, he was to be again whipped, and so on until he came to his home. Scholars of the universities of Oxford and Cambridge, begging without license, and shipmen pretending loss at sea, were to be taken and dealt with in the same way.[1]

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[1] The practice during the 16th century of allowing farm-houses to decay and converting arable lands into pasture was a symptom of the social change in progress. Under the feudal system no such thing could have happened, for in many respects the lord stood as it were *in loco parentis* to the landless men under his dominion, and his ancestral lands were regarded as held in trust not only for his family but also for the support of his retainers and peasants. The organization of society was in effect patriarchal. All this disappeared with the growth of a feeling of personal independence among the peasantry and of fiscal independence among the lords. Hence an act of 4th Henry VII., recites: "Where in some towns two hundred persons were occupied and lived of their lawful labours, now there are occupied two or three herdsmen, and the residue fall into idleness."

PROVISIONS FOR RELIEF.

To this period no legislative cognizance was taken of the means of relief at the place to which mendicants were compelled to betake themselves except begging. From the *Mirror*, however, we learn that the poor were sustainable "by parsons, rectors of the church and parishers, so that none of them die from default of sustenance." But, as the law had begun to confine the poor to their own parishes and, as the foundations of the Roman Catholic Church in England were beginning to give way, it was necessary for Parliament to provide statutory means of relief. The means at first adopted were conservative, and about the time of the dissolution of the monasteries the attempt was made[1] to require the officers of cities, towns and parishes to receive and care for the persons returned to their districts under the process mentioned; and they were also commanded to set the sturdy vagabonds and valiant beggars to work so that they might obtain their living "with the continual labour of their own hands." For the poor, impotent, sick and diseased people, and for setting the idle to work, this statute provided that voluntary alms should be collected every Sunday and holiday. Every parson, vicar and curate was required to exhort people to give alms for this purpose. "Every preacher, parson, vicar and curate, as well in their sermons, collections, bidding of the beads, as in time of confessions, and at the making of the wills or testaments of any persons, at all times of the year, shall exhort, move, stir and provoke people to be liberal." All gifts for the purpose were to be entered in a book so that an account might be kept. No alms were to be given to the poor or to idle people except through the common boxes, under penalty of a fine. But the act, after making this humane innovation, carried the penalties for vagrancy farther than before. "Ruffelers," calling themselves servingmen but having no masters, were made subject to the previous acts; and if, after having been once whipped and sent into any town, hundred or parish, they, as well as any other sturdy vagabonds and valiant beggars, should again wander abroad or absent themselves from their appointed labor, were not only to be again whipped and sent back, but were also to "have the upper part of the gristle of the right ear clean cut off," and for any third offense, the offender, after indictment, trial and conviction, was to be "adjudged to suffer death as a felon."[2]

Meanwhile the invention of gunpowder, the introduction of the magnetic needle and the discovery of America, as well as of an ocean highway to India, were opening up a vast field for enterprise and laying the foundation for conquest and commerce. Wise measures at this

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[1] 27 Hen. VIII., c. 25.

[2] It is estimated that about 72,000 vagrants suffered death under these laws during the reign of Henry the Eighth; but I do not know the authorities upon which this estimate is based.

period might have checked the growth of pauperism, but the future shed no light upon the difficulties of the day. Nevertheless, by the time of Elizabeth a more humane interference upon the part of the state to ameliorate the condition of the poor was demanded by English statesmanship, and by the forty-third year of her reign a system had been evolved which gave to England and her colonies the foundation of the modern poor law.

FOUNDATION OF MODERN POOR LAWS.

The several lines of progress towards the provisions of the 43 Eliz. c. 2, are defined as well by history as by the language of legislation. The immemorial custom of relieving the poor through the church made the parish an administrative center. It also devolved duties connected with relief upon churchwardens. The office of justice of the peace had been created in the time of Edward I., and when, at the beginning of Elizabeth's reign, it was found that parishioners would no longer voluntarily give alms sufficient for the relief of the poor upon the exhortation of the preacher, parson, vicar or curate, or the request of the bishop, power was given to impose upon them the obligation by extending the justice's jurisdiction for that purpose.[1] The impotent poor and the idle poor had been distinguished, and it had been conceded that the public was bound to relieve the one and to compel the other to work. In the fourteenth year of Elizabeth's reign much of the previous legislation had been repealed and an effort made to enact a comprehensive law "for the utter suppression of the said outrageous enemies of the common weal, as for the charitable relieving of the aged and impotent poor." The enemies of the common weal were the beggars who had increased under the licensing system and begun to be a dangerous class. This statute[2] revived the punishments of an earlier date—branding, whipping and death—and people were prohibited by fines from giving beggars money or other relief. But as to the aged and impotent poor, it was provided that they should have convenient places to settle themselves upon and, so that it should not be necessary for them to wander away and beg, the justices were required to make a register of them, to calculate the weekly charge for their relief and to tax and assess the same upon the inhabitants, and to appoint collectors and overseers. Thus was gradually evolved the principle of taxation and the office of overseer, a special poor law functionary. And it is worthy of note that while the justices of the peace were to settle and register the poor and assess the rates for their relief, they were specially to appoint officers called *Overseers of the Poor*, whose principal function was to set to work and oversee such poor persons "who are not so diseased or impotent but that they may do some manner of work." Doubtless the

[1] 5 Eliz., c. 3 (1563).

[2] 14 Eliz. c. 5.

office was originally intended to supply supervision of the labor of the poor, and to the departure from that idea is attributed many of the evils which afterwards afflicted the English laborer and rate payer, by fostering a spirt of dependence upon the rates without labor. I will now as briefly as possible set out the provisions of the statute 43 Eliz. c. 2.

OVERSEERS OF THE POOR.

The overseer of the poor was made a parish officer for the relief and supervision of the poor. The number in each parish was left somewhat to the disrection of the justices of the peace of the county, two or more of whom were directed to nominate yearly, at or about Easter week, four, three or two substantial freeholders, having respect to the proportion or greatness of the same parish or parishes, who, with the church-wardens of the parish, were to be called overseers of the poor.

THEIR DUTIES WITH RESPECT TO POOR CHILDREN.

From time to time, with the consent of two or more justices, they were to provide for setting to work the children of parents who were deemed unable to keep and maintain them.

THEIR DUTIES WITH RESPECT TO THE IDLE.

In the same way they were to provide for setting to work all "persons, married or unmarried, having no means to maintain them, and who use no ordinary and daily trade of life to get their living by."

THEIR DUTIES WITH RESPECT TO TAXATION.

In the same way they were "to raise weekly or otherwise" a fund by taxation of the inhabitants and all occupiers of lands, houses, tithes impropriate, propriation of tithes, coal mines or salable underwoods in the parish in such sums as they should think fit. The rate was charged upon the land excepting in so far as tithes were chargeable.

THEIR GENERAL DUTIES.

(*a*) They were required to meet at least once each month in the parish church, and determine the course to be taken and make suitable regulations.

(*b*) They were to purchase "a convenient stock of flax, hemp, wool, thread, iron, or other ware and stuff, to set the poor on work."

(*c*) They were to relieve "the lame, impotent, old, blind and such other among them being poor and not able to work."

(*d*) They were to put out poor children to be apprentices.

(*e*) They were to dispose of the stock and do all other needful things "concerning the premises."

THE ACCOUNTING.

At the end of their term they were required to render an account to the justices and hand over to their successors the balance of money and stock.

PENALTIES.

For failure to attend a monthly meeting, unless excused by the justices, or for failure to perform any other prescribed duty, they were liable to a fine of twenty shillings. They were made liable to imprisonment also for neglecting to account.

RATE IN AID.

When a parish should be too poor to raise sufficient funds, the justices were empowered to tax other parishes in the hundred or the county in its aid.

COMPULSORY PAYMENT OF THE RATE.

Power was given to levy upon the goods of any person neglecting or refusing to pay the amount assessed against him by distress under warrant from two justices. In defect of distress the justices might imprison the inhabitant without bail until payment were made.

COMPULSORY LABOR.

Persons who were appointed to work as provided, and would not employ themselves accordingly, might be sent by a justice to the house of correction or common gaol.

APPRENTICESHIP.

The church wardens and overseers, or a majority of them, were authorized by the assent of two justices, "to bind any such children as aforesaid to be apprentices, when they shall see convenient, till such man-child shall come to the age of four and twenty years, and such woman-child to the age of one and twenty years, or the time of her marriage, the same to be as effectual to all intents and purposes as if such child were of full age, and by indenture of covenant bound him or herself."

POORHOUSES.

For poor impotent people the church wardens and overseers were empowered to erect "convenient houses of dwelling for the said impotent poor," according to any order made by the justices in quarter sessions. The cost was to be charged to the parish, hundred or county. This was permissive merely.

APPEALS.

Appeals were to lie from the assessment of any tax, or any act done

by the church wardens, or other persons, or by the justices, to the quarter sessions whose order should be final.

LEGAL RESPONSIBILITIES OF FATHERS, ETC.

The father and grandfather, the mother and grandmother, and the children of every poor, old, blind, lame and impotent person, or other poor person not able to work, were required, if of sufficient ability, to relieve and maintain every such poor person at their own charge, in such a manner and at such rate as directed by the justices in quarter sessions.

These are the principle features of this celebrated statute which established a more rational plan for suppressing mendicancy, and for relieving the impotent poor. They will be readily recognized as the foundation also of the general law of Pennsylvania.

Instead of whippings and the penalty of death, the humane statesmen of this age provided means (1) for putting the idle to work, (2) for apprenticing poor children, and (3) for relieving the helpless poor. It will be noticed that the tax was authorized and directed to be levied for these three purposes. The method of apprenticing children was prescribed, the plan of setting the idle to work was pointed out and overseers provided, while the relief of those unable to work was left to the discretion of the church wardens and overseers, but it was to be necessary relief to the helpless poor who were unable to do any work. To prevent mendicancy was a great consideration, and an important duty of the public, and care was to be taken that poor children were to be brought up to useful employment. The relief of actual helplessness was an equal and no less important duty.

We will see later how departures from these simple principles resulted not only in technical complications, making the poor law a most difficult and intricate subject to deal with, and leading to expensive litigation, but also in sociological complications, putting a premium upon pauperism and lowering the character of the poorer members of society.

There is a school of thought which denies the wisdom of interference by the state with the relief of poverty. Thus Malthus gave it as his opinion "that if poor laws had never existed, * * * though there might have been a few more instances of very severe distress, the aggregate mass of happiness among common people would have been much greater." * * * And this opinion was based upon the supposition that these laws tend to impoverish "the class of people whose only possession is their labor," by leading to an increase of population without increasing the supply of food, by lowering the price of labor, etc.

Mr. Fowle has recently stated the countervailing opinion in the following words: "That every society, upon arriving at a certain stage of civilization, finds it positively necessary for its own sake, that is to

say, for the satisfaction of its own humanity, and for the due performance of the purposes for which societies exist, to provide that no person, no matter what has been his life, or what may be the consequences, shall perish for want of the bare necessaries of existence."[1]

Granted that it be the duty of the state to do these things, to prevent mendicancy and to rescue individuals from starvation, the law of Elizabeth made provisions as correct, perhaps, as could be devised. The six salient points, viz: (1) raising funds by a general tax in the district, (2) apprenticing poor children, (3) setting the idle to work, (4) relieving the helpless, (5) demanding an account of expenditures, and (6) requiring the immediate blood relations to support one another, have not in principle been superseded, but continue to be the very foundation of the English and American poor laws.

Some difficulties were, of course, experienced in putting this law into operation. There was some resistance to the payment of the tax; there was much laxity in compelling the idle to work and the obligation upon blood relations was but indifferently imposed. The provision for supplying a stock of materials for labor did not and could not suppress the movement of labor towards centers where it might compete for higher rewards; and it was manifestly easier for the local officials to fall gradually into the character of relieving officers than to grow into that of overseers of the poor. Work was evidently not provided as a test of destitution. Indeed, there is nothing in the act itself which would seem to point to such an intention, but rather that those who exercised no daily trade should be requird to labor under penalty. A wise enforcement of this provision might have diminished the influx of laborers into London and the neighboring places, which seems in the seventeenth century to have been viewed with much alarm.

THE SETTLEMENT LAW.

This movement of labor led to the passage of the Statute 14 Car II., c. 12.[2] A few wealthy landlords and the representatives of London are credited with forcing this legislation through Parliament without giving time for discussion, merely to lighten their own taxes and to check the growing freedom of labor. It established a system of removal of the poor, known as the settlement law, turned public attention from the question of economic employment and the relief of destitution to the narrow question of ridding one parish of its paupers at the expense of another, and it led to a petty war of parishes, in which the public moneys were squandered in litigation, while the uneducated poor looked on and devised means for profiting by the general depravity.

The reign of Charles II. was reactionary. The statesmanship which had been maturing plans for encouraging industry, as well as relieving

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[1] Fowle—The Poor Law, p. 10,

[2] 1662.

those hapless poor who could find no place under contract to get a living, was set aside and a heartless policy of removing the poor established, by which the lower class of laborers was taught to cherish settlement rather than liberty; while the landlords were led to devising means for their own immediate relief, without thought of the future evils which would afflict them and the whole body politic.

The preamble of this statute recites that "poor people are not restrained from going from one parish to another, and therefore do endeavor to settle themselves in those parishes where there is the best stock, the largest commons or wastes to build cottages, and the most woods for them to burn and destroy," and attributes this movement to some "defects in the law." By way of remedy it provided, "that it shall and may be lawful, upon complaint made by the church-wardens or overseers of the poor of any parish to any justice of the peace within forty days after any such person or persons coming so to settle as aforesaid in any tenement under the yearly value of £10, for any two justices of the peace, whereof one to be of the quorum of the division where any person or persons that are likely to be chargeable to the parish shall come to inhabit, by their warrant to remove and convey such person or persons to such parish where he or they were last legally settled, either as a native, householder, sojourner, apprentice or servant for the space of forty days at the least, unless he or they give sufficient security for the discharge of the said parish to be allowed by the said justices." The persons affected by this act were all such as the justices might believe or profess to believe were likely to become chargeable, and as this might be said of landless men in general, or all such as were dependent upon their manual labor, and had not the means or the opportunity to rent a tenement of the yearly value of £10 (the rent of laborers' cottages at that period being from 20*s*. to 60*s*), all common laborers were subject to compulsory removal from any place where they might come to find work.

The place to which the poor person was to be removed was somewhat indefinitely described as that where he was last legally settled as (1) a native, (2) householder, (3) sojourner, (4) apprentice) or (5) servant, for the space of forty days at the least, and the order for the removal was required to be made within forty days after the poor person should come to settle.

I believe this original legislation has no modern apologist. It seems to be condemned by the voice of all as an attempt to return the laborer to his former condition of slavery, and as the emanation of the minds of men who sought their own selfish ends rather than the good of the people. Had the statute, 14 Eliz., c. 5, providing for convenient places in each parish upon which the poor might be settled so that it would be unnecessary for them to beg—had this statute applied to the subjects of the statute 14 Car. II., and had it remained in force at the time

of the latter enactment, and had the latter applied only to the dependent poor, or such as had been actually settled, I conceive that the law of settlement might rest upon a solid foundation and the 14 Car. II. find ready support; but it seems to have been otherwise. A new and irritating principle was introduced and a battle begun which resulted in more litigation and cost larger sums of money than any other legislative enactment known to us. And this battle was not with the laboring population, but concerning it. It was a fight between parishes, the one endeavoring to fix the legal settlement of a poor laborer, or a widow or children, or an aged and decrepit person in another parish. It became a species of hunt and of far more interest than the economic question of utilizing the waste labor of the kingdom. It caused the degeneration of *overseers* of the poor into jealous watchmen, guarding the boundaries of the parishes against the movements of labor. In his History of the Poor Law, Dr. Burn says: "The office of an overseer seems to be understood to be this: to keep an extraordinary lookout to prevent persons coming to inhabit without certificates, and to fly to the justices to remove them, and if a man brings a certificate, then to caution all the inhabitants not to let him a farm of £10 a year, and to take care to keep him out of all parish offices; to warn them, if they will hire servants, to hire them half-yearly, or, if they do hire them for a year, then to endeavor to pick a quarrel with them before the year's end, and so to get rid of them; to bind out poor children apprentices, no matter to whom or to what trade, but to take special care that the master live in another parish."

Although the act of Charles II. was negative in character and did not directly frame a system of settlements for the poor, yet indirectly it established settlements by birth and by forty days' residence; and, as under the decisions of the courts, no one could be removed from his estate, and the wife and unemancipated children could not be removed from the father, property in land was held to confer settlement at common law, and marriage and parentage conferred derivative settlements upon wife and children. Then again it was found that poor people could evade the statute by coming into a parish and concealing themselves for forty days. To remedy this it was enacted by 1 Jac. II., c. 17, s. 3,[1] that the forty days residence should be reckoned from the delivery of notice of intention to settle. Serving an annual public office and contributing to the public taxes of the parish were added as grounds of settlement by the 4 W. & M., c. 11, s. 6.

The following table, compiled by a committee of the House of Commons[2] shows the several grounds of settlement growing out of this and subsequent legislation and decisions of the courts:

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[1] 1633.

[2] 1879.

Heads of Settlement.	Origin.	Enactments relating to it.	Whether or not abolished.
Hiring and Service	Statute . . .	3 & 4 W. & M., c. 11, s. 7. 8 & 9 W. III., c. 30, s. 4. 4 & 5 W. IV., c. 76, s. 64.	Abolished in 1834.
Serving Parish Office . . .	Statute . . .	3 W. & M., c. 11, s. 6. 4 & 5 W. IV., c. 76, s. 64.	Abolished in 1834.
Payment of Parish rates . . .	Statute . . .	3 W. & M., c. 11, s. 6. 35 Geo. III., c. 101, s. 4. 6 Geo. IV., c. 57.	Virtually repealed since it was restricted to payment of rates in respect of a £10 tenement.
Apprenticeship .	Statute . . .	3 & 4. W. & M., c. 11, s. 8. 31 Geo. II., c. 11. 56 Geo. III., c. 139, s. 5. 4 & 5 W. IV., c. 76, s. 67.	Abolished as to sea service and the trade of a fisherman in 1834.
Renting a tenement	Statute . . .	13 & 14 Car. II., c. 14. 6 Geo. IV., c. 57. 1 W. IV., c. 18. 4 & 5 W. IV., c. 76, s. 66.	No.
Residence for three years in Parish	Statute . . .	39 & 40 Vic., c. 61, s. 34.	No.
Estate	Common Law	9 Geo. I., c. 7, s. 5,	No. Restricted in 1722 and 1834.
Birth	Common Law and Statute	13 Geo. III., c. 82. 54 Geo. III., c. 170. 39 & 40 Vic., c. 61, s. 35.	No.
Parentage . . .	Common law as to legitimate children. Statute as to illegitimate children	4 & 5 W., IV. c. 76, s. 71. 39 & 40 Vic., c. 61, s. 35.	No.
Marriage with reference to the wife . . .	Common Law	39 & 40 Vic., c. 61, s. 35.	No.

After the various modes of obtaining settlements were established subsequent legislation for the most part was concerned with details relating to their restriction. The forty-days' residence were to be computed from the time of delivery of notice;[1] persons might reside without acquiring a settlement if they brought a certificate acknowledging their settlement in another parish;[2] persons hired were not to be deemed settled unless they continued a whole year under the contract,[3] the purchase of an estate for less than £30 was not to confer settlement;[4] nor

[1] 1 Jac. II., c. 17; 3 W. & M., c. 11.

[2] 8 & 9 W. III., c. 30.

[3] 9 Geo. I., c. 7.

[4] 35 Geo. III., c. 101.

the payment of taxes in respect of tenements of less annual value than £10[1] and settlement by renting was also limited and defined.

In the meanwhile, however, by 35 Geo. III., c. 101,[2] the power of removal of persons likely to become chargeable was taken away, and no one was to be removed unless actually chargeable to the parish. Yet the law of settlement, which had been introduced merely as an exception to the liability to removal, was retained.

The royal commissioners reporting in 1834 upon the administration and practical operation of the poor laws, remarked upon this:[3] "It might have been expected that the grounds of settlement which were established, when the power of removal was given, would have been reconsidered when that power was taken away. This appears, however, not to have been done. * * * The consequence has been, that in this instance, as in many others, like a patient who continues to use of remedies after the disease has ceased, we are suffering under laws of which the grounds have long been removed."

The fact that the selfish policy introduced into the poor law administration by this act of Charles II. has not been wholly abandoned is a curious instance of the conservatism of English legislation. The act and the system itself have been unsparingly condemned, and although the worst feature, that of the removal of persons likely to become chargeable, was repealed, the collateral features have been retained upon the statute books. We shall see later, however, that through a wise and uniform administration of the laws, settlements are no longer of much importance, and Judge Aschrott is authority for the statement that "the entire abolition of removal and the consequent devolution of the duty of relief on the place of residence, irrespective of settlement is regarded only as a question of time."[4]

Seeing then that public attention was in a large measure directed away from the administration of the act of Elizabeth by the introduction of vexed questions of settlement, and the opportunities afforded by the late legislation for the exercise of chicanery and fraud in relieving one parish of paupers, or of poor laborers, at the expense of another, let us trace the other evils which led to the reform of the poor laws in England.

MALADMINISTRATION.

It will be remembered that the statute of Elizabeth defined the class of persons to whom the church wardens and overseers were to give relief without labor, as "the (1) lame, (2) impotent, (3) old, (4) blind,

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[1] 59 Geo. III., c. 50 6 Geo. IV., c. 57; 1 W. IV., c. 18.

[2] 1795.

[3] Report p. 85.

[4] Aschrott—The English Poor Law System, p. 112

and (5) such other among them *being poor and not able to work.*" The rates levied and collected were to be used as before mentioned for three purposes, viz: (1) to apprentice poor children, (2) to furnish materials to set to work those who were idle, but could do something with their hands, and (3) for and towards the necessary relief of those who were poor and disabled by age or other infirmity.

The provision relating to apprenticing poor children may have been carefully carried out according to the letter of the law, as it afforded a method of removing poor children beyond the bonds of the parish and settling them elsewhere; but the provision relating to the labor of the idle was neglected, while the overseers and church wardens appropriated the public money to their own use and to the use of the idle, who, though able to work, were fed at the public expense. To misapply the funds was manifestly easier than to exercise careful discrimination and to keep the idle employed.

In the third year of William & Mary a law was passed reciting that "many inconveniences do daily arise in cities, towns corporate and parishes, where the inhabitants are very numerous, by reason of the unlimited power of the church wardens and overseers of the poor, who do frequently, upon frivolous pretences (but chiefly for their own private ends), give relief to what persons and number they think fit, and such persons being entered into the collection bill do become after that a great charge to the parish, notwithstanding the occasion or pretense of their receiving collection oftentime ceases, by which means the rates for the poor are daily increased."[1] The same act made a further recital that "many church wardens and overseers of the poor, and other persons intrusted to receive collections for the poor, and other public moneys relating to the churches and parishes whereunto they do belong, do often misspend the said moneys and take the same to their own use, to the great prejudice of such parishes, and the poor and other inhabitants thereof."

From this time there is a movement in legislation towards ascertaining some method of keeping the levies within bounds, and of procuring honest and efficient administration. This act provided that a book should be kept so as to give the greatest publicity to the names of the persons receiving relief and the reasons therefor, and it also provided that none should receive relief who were not entered upon this book at the annual meetings of the parishioners, except such as the justices specially ordered to be relieved. This established the well-known "poor book" and "order of relief" as checks upon the overseers and church wardens.

With respect to the misappropriation and embezzlement of the funds, the evidence of parishioners was made admissible in actions brought to recover the money so missapplied.

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[1] 3 W. & M., c. 11, s. 11.

Six years later a device, which now seems puerile, was resorted to for the purpose of keeping the money raised for the relief of the poor from being "consumed by the idle, sturdy and disorderly beggars." It consisted in requiring those entitled to such relief to wear as a badge on the shoulder of the right sleeve a large letter "P," and the initial letter of the parish cut in red or blue cloth. The poor person who refused to wear this badge might be imprisoned, whipped or denied relief; and any officer who should give relief to persons not wearing such a badge was subject to a penalty.[1]

The statute 5 Geo. I., c. 8, undertook to deal with the question of desertion and provided for the seizure of the goods, and chattels, and rents and profits of husbands or wives who might desert their families, leaving them a charge on the parish. The church wardens or overseers were empowered to make sale and receive rents, etc.

The system of "farming" the poor was introduced by the statute 9 Geo. I., c. 7, and the disgraceful condition into which the poor law administration was falling is shown by the later act, 9 Geo. III , c. 37, which was passed to prevent parish officers from paying the parish poor in base or counterfeit coin.

Another evil which had begun to show itself was the abuse of the order of relief. The statute 9 Geo. I., c. 7, recited with evident caution that "many persons have applied to some justices of the peace, without the knowledge of any officers of the parish, and thereby upon untrue suggestions, and sometimes upon false and frivolous pretenses, have obtained relief, which hath greatly contributed to the increase of the parish rates." To remedy this it was provided that the justices should not order relief until they had received proof on oath of some reasonable ground, and two overseers had been summoned to show cause.

WORKHOUSE LEGISLATION.

About the middle of the seventeenth century began an agitation of the subject of judicious employment of the poor, which led eventually to the adoption of the workhouse, one of the distinctive features of the English system. Elizabeth's act provided for the erection of houses for the aged and impotent. It was now proposed to erect suitable houses for employing the poor and the idle. This was advocated by different writers, among whom may be mentioned Sir Matthew Hale. About the close of century[2] and the beginning of the eighteenth century[3] workhouses were authorized to be built in Bristol, Worcester and Plymouth, respectively, by special acts of Parliament, and the statute 9 Geo. I., c. 7, permitted all parishes, singly or in unions, to build, buy or hire workhouses, and ordered that all persons who refused to enter

[1] 8 & 9 W. III., c. 30, s. 2.

[2] 1697

[3] 1703 and 1707.

them should "not be entitled to ask or receive collection or relief." Sir F Eden avers that in consequence of this act a large number of persons who had previously received relief preferred to maintain themselves rather than seek admission to the workhouse.[1] Although the population was on the increase, the expenditure for poor relief, which had been about £891,000 in 1698, was but £619,000 in 1750.

GILBERT'S ACT.

However, inefficiency, negligence and misconduct continued to be the rule of administration, and an attempt was made by Gilbert's Act,[2] in 1783 to establish some more stringent measures of reform. This act, though founded in many respects upon excellent principles, was in some things faulty. It recites that, "notwithstanding the many laws now in being for the relief and employment of the poor, and the great sums of money raised for those purposes, their sufferings and distresses are, nevertheless, very grievous, and by the incapacity, negligence or misconduct of overseers, the money raised for the relief of the poor is frequently misapplied, and sometimes expended in defraying the charges of litigations about settlements, indiscreetly and unadvisedly carried on." It also cites the provisions of 9 Geo. I., c. 7, relating to the provisions for "farming the poor," and asserts that these, "from the want of proper regulations and management in the poorhouses or workhouses that have been purchased or hired under the authority of the said act, and for want of due inspection and control over the persons who have engaged in those contracts, have not had the desired effect, but the poor in many places, instead of finding protection and relief, have been much oppressed thereby."

The poor rate had been again increasing and was reaching alarming proportions, while the poor were sinking the deeper into poverty. Censure fell upon the overseers, and these public evils were attributed largely to their negligence or misconduct, while the failure of the contract system seemed to be the result of a want of proper supervision over the acts of the poor law officers. The remedy adopted was sweeping, as far at least as the act applied. Parishes which accepted the provisions of the act were permitted to unite one with another and form corporate unions. In them the overseers and church wardens were shorn of all functions, save those of assessing and collecting the poor rate. All power was practically placed in the hands of the magistrates. They were authorized to appoint a guardian for each parish to represent it in the union, a governor for the workhouse and a visitor. They were to appoint one of the guardians to be the treasurer, and the salary was to be fixed by the visitor. The visitor might appoint a deputy, and

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[1] Eden—State of the Poor, v. 1, p. 285.

[2] 22 Geo. III., c. 83.

the governor of the workhouse and the treasurer of the union were to obey his directions in all things.

The number of Gilbert unions in existence at the time of the passage of the poor law amendment act[1] was 67, comprising 924 parishes, the most of which have been dissolved

The chief features of Gilbert's act, in addition to the substitution of union officers appointed by the magistrates in place of the parish officials were the enlarging of administrative areas, the power to borrow money for the erection of union workhouses and the ratable contribution of each parish towards the expense of providing and fitting up the same, while the cost of maintaining the poor therein was charged to the parish in which they were settled.

RELIEF IN AID OF WAGES.

But the institution erected under Gilbert's act was in no proper sense a workhouse, and no provision was made for a work test. As far as I know, however, it introduced into legislation the mischievous and uneconomical pratice of relief in aid of wages, which was almost a fatal injury to English labor and brought an intolerable burden upon the land. The guardian of the poor of the parish was required, on application made to him by or on behalf of "any person or persons, who shall be able and willing to work, but who cannot get employment," to hire out such person or persons at suitable work near by, and to receive the wages. Meanwhile the guardian was to provide for such person's necessities until work was found and during employment, and to apply the wages "in such maintenance as far as the same will go, and *make up the deficiency if any.*"

The class of persons to be relieved in the workhouse is defined as "such as are become indigent by old age, sickness or infirmities and are unable to acquire a maintenance by their labor, except such orphan children as shall be sent thither by order of the guardian or guardians of the poor, with the approbation of the visitor, and except such children as shall necessarily go with their mothers thither for sustenance." A door was opened, however, for the entrance of able-bodied paupers by a provision that in a case a guardian refused to find employment or to afford relief to an applicant, the latter might make complaint to a justice of the peace, who was empowered thereupon either to order outdoor relief to the applicant or admission to the workhouse, to be there kept and provided for until work were obtained. The guardian was subject to a fine for neglect or refusal to obey such order. The refusal to work, or running away from it, was, however, an offense to be punished by imprisonment.

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[1] 1834.

MOVEMENT TOWARDS REFORM.

During the reign of George III.[1] there was much public discussion of the subject of the relief of the poor and great uneasiness was felt owing to the enormous proportions of the poor rates.

Many special and local acts were carried in Parliament and the tendency was away from uniformity in administration. Mr. Gilbert, in 1787, proposed the establishing of boards of county commissioners, and vesting the whole power and control in them. He had previously, in 1776 and 1786, procured the passage of acts providing for returns of the moneys raised and expended throughout the kingdom under the poor law. His act for the establishment of voluntary unions is said to have been intended as temporary only. In 1790[2] an act was passed to establish a system of visiting in workhouses and poorhouses other than those incorporated under Gilbert's act. Any justice, physician, surgeon, apothecary or clergyman, when authorized by warrant of a justice, was to be permitted at all times to visit such places and to examine into the state of the inmates, their food, clothing and bedding, and into the condition of the house, etc. And the justices in quarter sessions were authorized upon the certificates of such visitors and, after hearing, to make suitable rules and regulations.

Sir George Nicholls has this to say of the condition of the parish poorhouses of about this date: "That the organization and management of parish poorhouses, miscalled workhouses, should have been found defective, and require inspection and control, can hardly excite surprise, seeing that at a comparatively recent period[3] they were actually little better than receptacles for the idle, the dissolute and depraved, with some who were infirm or imbecile, and a few who were destitute and dependent through no fault of their own, the whole living promiscuously together, the young and the old, the males and females, without order, discipline or classification. And when it is added that these buildings were rarely constructed for workhouses, but were hired or purchased for the occasion, that they were often of insufficient size, and always unsuitable in arrangement, and that their management was subject to negligence, partiality and fraud, it would have amounted almost to a miracle if they had not been, * * * seats and sources of contagion, and a sort of pesthouses where diseases, social, moral and physical, were generated and nurtured, and whence they spread into and contaminated the surrounding districts.[4]

Six years after providing for the visitation of these parish poorhouses,

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[1] 1760–1820.

[2] 30 Geo. III., c. 49.

[3] 1834.

[4] Nicholl's, v. 2, p. 107.

the obligation of the poor to enter them was practically repealed[1] and out-door relief was made general throughout the country.

About the same time the allowance system came into vogue on the line of relief allowed by Gilbert's act in aid of wages, and in consequence of the rise in the price of breadstuffs. In 1795 the Berkshire magistrates had adopted a resolution[2] fixing a scale of wages, which they adjudged sufficient for the maintenance of laboring men with and without families, ranging according to the market price of corn, and ordained that whenever the laborers' earnings did not reach the amount so fixed the difference was to be made up out of the poor rates, and this action was imitated throughout the country.

What with general out-door relief relief, in aid of wages, the consequent depression in wages and increase of reliance upon the public funds, as well as the maladministration resulting from the want of some responsible supervision, the poor rate had increased by 1817 to the enormous amount of £7,870,801, in a population of eleven millions.

The 45 Geo. III., c. 54, undertook to compel all contracts for maintenance and employment of the poor to be made with residents of the parishes and required the contractors to give security for the faithful performance of their duties; the 50 Geo. III., c. 50, made the contractors subject to the jurisdiction and orders of the justices; the 55 Geo. III., c. 137, prohibited persons having the management of the poor from being concerned in contracts relating to the poor, and, finally, in 1817, a committee was appointed in Parliament to investigate the subject of the poor laws with a view to devise some remedy for the growing evils.

THE PARLIAMENTARY COMMITTEE OF 1817.

The discussions which preceded the appointment of the committee and which followed their report show that the evils under consideration were not attributed in any respect to the statute of Elizabeth, but to those who administered relief under it in ways never intended by the law. Mr. Curwen, who moved the appointment of the committee, said that for 250 years the attention of legislators had been directed to the consideration of expedients to check the evil, the increase of which, since England had become a manufacturing nation, had been "out of all measure and calculation rapid," and that if the same system were continued it would swallow up the whole revenue and industry of the country, and extinguish every vestage of respectability and happiness among the poor, as "each successive augmentation of the burthen had been attended with a proportionable increase of misery. What," he asked, "are the poor rates in many places but a mode of payment of

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[1] 36 Geo. III., c. 23.

[2] This became known as the "Speenhamland act of Parliament."

wages, and that of the very worst sort, as it breaks the spirit and destroys the independence of the laborer?"[1]

In their report the committee declared the act of 43d Elizabeth to be the fundamental and operative law, and pointed out the evils arising from a compulsory contribution for the indigent, from the funds originally accumulated from the labor and industry of others. It expresses the fear that the system was perpetually increasing the amount of misery it was designed to alleviate, and creating at the same time, an unlimited demand on funds which it could not augment. The committee thought it impracticable or inexpedient to extend the rating for relief to personal property and the public funds, but recommended that in large towns power should be given to rate the owner of a tenement instead of the occupant. But, whether levied upon real or personal property, "unless some efficacious check be interposed," they said, "there is every reason to think that the amount of the assessment will continue, as it has done, to increase till, at a period more or less remote, it shall have absorbed the profits of the property on which the rate may have been assessed, producing thereby the neglect and ruin of the land."

They favored the establishment of industrial schools as recommended in a report drawn by Mr. John Locke, in 1696, expending the public money rather in rearing the children to habits of industry than maintaining the parents in idleness. They approved of workhouses, provided they were superintended or visited by responsible persons. The impossibility of providing employment for all idle laborers was pointed out, as well as the evils resulting from the dependence of labors upon such employment. "No legislative enactment, nor artificial mode of employment by the roundsman system, or any other, can counteract or materially alter these results; and the only palliative or shield against the pressure of a short demand for labor will be the exercise of industry and provident forethought whilst it is abundant."[2]

They also made the important suggestion that assistant or paid overseers should be appointed; and, for the purpose of inducing the people to take an active interest in the concerns of their local government, recommended that parishes should be empowered, "either singly or in union with others, to establish select vestries for the purpose of managing the parochial concerns." Some other recommendations, *e. g.*, relief by way of loan, the establishment of parochial benefit societies, and modifications of the settlement law, show to what extent the discussion of the important questions touching the relief of the poor had been carried. Although the report of this committee led immediately to the passage of the parish vestry and select vestry acts only, it cannot be doubted that the large amount of information which was

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[1] Nicholl's, v. 2, p. 178.

[2] See Ibid, v. 2, p. 186.

gathered and the centering of discussion upon certain particulars, led to the appointment not many years later of the royal commission, whose masterly report and recommendations led to the present reforms of the English poor law.

THE VESTRY ACTS.

The English vestry dates from the thirteenth century, and arose from the necessity of united action of the parishioners to raise money for the church and parish. The voting of the "church rate" in the "open vestry" meeting by the rate payers themselves is said to be the first example, in the modern sense, of a self-taxing local body.[1] The Parish vestry act[2] required three days' notice to be given of the holding of any vestry and provided for the election of a chairman who was to have the casting vote. The qualification of voters was as follows: Every person who had not refused or neglected to pay the rate due and demanded of him was entitled to be present and vote. If rated at less than £50 he was entitled to one vote; if rated at £50 and over he was entitled to one vote for every £25 of assessment up to the limit of six votes. In the next year, by 59 Geo. III., c. 85, persons rated in the parish, but non-resident, were admitted to vote according to their assessment, and the clerk or agent of any corporation, body politic, or company was permitted to be present and to vote in the same way. By the select vestry act[3] the inhabitants of a parish in vestry assembled were empowered "to establish a select vestry for the concerns of the poor," to consist of from five to twenty substantial householders or occupiers, and the rector, vicar, or other minister of the parish, and the church wardens and overseers of the poor for the time being. They were required to meet every fortnight to appoint a chairman, who was to have a casting vote, and they were to determine upon the proper subject of relief, and the nature and amount of the relief to be given. They were to distinguish in the relief to be granted between the deserving and the idle, extravagant or profligate poor. They were to superintend the collection and application of the moneys raised for the poor, to make orders in writing for relief and to report semi-annually to the inhabitants in general vestry assembled. The overseers were to be entirely subordinate to this body. The select vestry might elect assistant overseers of the poor, prescribe their duties and fix their salaries, and such assistants were to continue in office, under the warrant of two justices, until they should resign or their appointment be revoked.

The act further made some permissive provisions relating to the

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[1] Howard—Local Constitutional History of the United States, v. 1, p. 35.

[2] 58 Geo. III., c. 69.

[3] 59 Geo. III., c. 12

erection, purchasing or hiring of workhouses, the purchasing or hiring of land to furnish work for the industrious poor, or to be occupied and cultivated by them; limiting the annual expenditures to the amount of a shilling rate, providing for borrowing greater amounts not exceeding five shillings on the pound upon the annual value of the property assessed to the poor rate, and for giving relief by way of loan.

This act, known as "Sturges Bourne's act," was, like Gilbert's act, merely permissive, and did not apply to the whole kingdom. It is said to have led for the time to a greater unity of action in administering the law, as it gave a more equitable representation to rate-payers and established permanent paid officials[1] who were thus enabled to make the relief of the poor their daily concern. By 1832 there were 2,234 select vestries and 3,134 assistant overseers in existence.

About this time provisions began to be made for disposing of the insane poor;[2] for the lawful maintenance of the poor by corporate towns separate from the parishes[3] for the enclosure of waste or common lands not exceeding fifty acres[4] and crown lands[5] for the use and benefit of the parish and its poor and for empowering trustees and parish officers to let allotments made under the inclosure acts to day laborers and journeymen, the rents to be applied to the purchase of fuel for distribution in the winter to the poor of the parish. Lastly, the act 1 and 2 Will. IV., c. 69, known as Hobhouse's act, constituted optionally more popular vestries, to consist of from twelve to one hundred and twenty members, and parish auditors, empowered to audit the accounts of the poor law officers in the place of justices, whose allowance of the accounts had come to be a mere matter of form.

STATE OF THE LAW IN 1832.

Beginning with the early laws touching vagrancy, we have now reviewed the more important acts of legislation down to the time of the appointment of the royal commission in 1832. We have seen that at first Parliament endeavored to prevent landless and irresponsible people from wandering abroad, without providing for their needs, either in employment or sustenance, and inflicting upon them the most severe penalties; that later it was found necessary to provide for their reception, and setting them to work, and to distinguish the able-bodied from the impotent poor, out of which grew the office of overseer of the poor, the charge of relief upon the land and the statute of 43 Elizabeth, providing for the apprenticing of children, the furnishing of work to the idle and relief to the impotent by means of a compulsory tax through

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[1] Assistant overseers.

[2] 48 Geo. III., c. 96; 51 Geo. III., c. 79; 59 Geo. III., c. 127; 5 Geo. IV., c. 71.

[3] 59 Geo. III., c. 95.

[4] 1 & 2 W. IV., c. 42.

[5] 1 & 2 W. IV., c. 59.

regularly appointed overseers in each parish. We have also seen how the power of the selection of officials, at first confided to the justices, was later shifted back in many parishes to the rate-payers; how the administrative areas, at first confined to parishes, was later permitted to be enlarged to unions of parishes; how the workhouse principle came into opposition with the poorhouse principle of relief, and both with the system of out-door relief; how at times pauperism seemed to diminish under fresh legislation, and afterwards to increase by laxity and fraud in the administration of the law in part, and how were introduced the offices of paid assistant overseers and district auditors. At this period we find the local government of England consisting of ordinary poor law parishes, of parishes in unions under Gilbert's act, of parishes under Sturges Bourne's act, of parishes under Hobhouse's act and of parishes and corporate towns and cities under numerous special and local acts. In some parishes were to be found the church wardens and overseers, with or without a poorhouse, in others the select vestry, in others the guardians with the so-called workhouses; in all an intense local jealously and rivalry respecting settlement. "The money expended in litigation," it is said, "and the removal of paupers in 1815, amounted to £287,000, 'and the appeals against orders of removal, entered at the last four quarter sessions[1] amounted to 4,700' "[2] and the system had led to the practice of fraud and chicanery beyond description. Numerous and various proposals were now made in and out of Parliament for dealing adequately with the steady and rank growth of pauperism, and finally on the 1st of Febuary, 1832, Lord Althorp, replying to a question in Parliament, asserted "that the general question of the poor laws was a subject of such great magnitude, and involved such a variety of important considerations, that any member of the government, or of that house, would not be justified in bringing forward a measure that would apply generally to the whole collective system of the poor laws of this country, and that the government was of opinion that the best course to pursue was by means of investigation and inquiry on the spot, to find out the effects of the different systems as they existed in different parishes throughout the country, and, accordingly that commissioners would be appointed for the purpose of ascertaining how the different systems worked in different parishes throughout the kingdom. When the result of this comparative inquiry was before the minsters they would then be able to determine whether they would propose any measure on the subject."[3]

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[1] 1817.

[2] Nicholl's, v. 2, p. 189.

[3] Quoted from Hansard's Debates by Nicholl's, v. 2, p. 226.

AS TO VAGRANTS.

We have not in this review forgotten the question of vagrancy, but it has to some extent separated from the development of the poor laws and become a part of the criminal law. Likewise the question of bastardy. Both are now only incidentally connected with the relief and maintenance of the poor. As to the former, the vagrant act of 5 Geo. IV., c. 83, shows that the severities of the law were in some measure retained. By this act, which seems to be still in force, idle, and disorderly persons, including those who are able to maintain themselves, and who wilfully refuse to do so, so that they, or any member of their family, whom they are bound to support, become chargeable to the parish, may be imprisoned with hard labor for one month.

Rogues and vagabonds, including such persons as may have been previously convicted as idle and disorderly persons, and vagrants found in uninhabited buildings, etc., without visible means of support, may be imprisoned with hard labor for three months.

"Incorrigible rogues," *i. e.*, those convicted as belonging to the last mentioned class, and those who, when arrested as vagabonds, violently resist the constable, may be imprisoned with hard labor (with the addition of whipping for males) for one year.

As to bastardy—the act of 18 Eliz., c. 3, was the commencement and is still the basis of the bastardy law. The justices were given jurisdiction to punish both the father and mother of a natural born child by ordering them to pay a certain sum of money weekly, and if either should fail to obey the order the offender could be committed to gaol until security were given. This was done professedly to relieve the parish and for the keeping of the child, the act reciting that the bringing of bastards upon the parish was "to the great burthen and defrauding of the relief of the impotent aged, true poor of the same parish, and to the evil example and encouragement of lewd life."

The 6 Geo. II., c. 31, recites that the laws then in existence were not sufficent to indemnify parishes from the charges frequently arising through bastardy. To remedy this the putative father was made amenable to arrest upon the simple oath of the mother and compelled to give security to indemnify the parish or for his appearance at the next general quarter sessions, and to abide the orders there made.

The wisdom of this latter act has been seriously questioned, and Nicholls' doubts whether it did not, in fact, weaken instead of shield female virtue, and increase rather than relieve the public burdens through bastardy.[1]

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[1] Nicholl's, v. 2, p. 24.

REPORT OF THE ENGLISH POOR LAW COMMISSION OF 1832.

The commission appointed in 1832 "for inquiring into the administration and practical operation of the poor laws" of England had several decided advantages, not the least being, the eminence and ability of its members. The public interest and general discussion of the subject, added to the pressure of the rates upon the land and the increase of poverty, tended to bring the facts to the surface, and these we carefully collected and laid before the commissioners by special commissioners appointed for the purpose. The result was a comprehensive and reliable report upon the existing state of affairs, with recommendations supported by evidence and reason. The report has stood the test of subsequent discussion and experience. Judge Aschrott has pronounced it "a masterly example of a thorough, comprehensive and unbiased inquiry, and, from the standpoint of an outside observer, is of opinion that the measures recommended by the commissioners "were in themselves the right ones."[1]

The commissioners reported that in the greater part of the districts throughout England and Wales, "the fund which the forty-third of Elizabeth directed to be employed in setting to work children and persons capable of labor, but using no daily trade and in the necessary relief of the impotent, *is applied to purposes opposed to the letter, and still more to the spirit of that law, and destructive to the morals of the most numerous class, and to the welfare of all.*" The act of Elizabeth is still regarded as the foundation and text-book of the poor law.

I will endeavor to set out the leading features of the report, as they bear upon these several questions:

I. The purposes to which the fund raised for the relief of the poor ought of right to be applied.

II. How it was misapplied.

III. The evils resulting from such misapplication.

IV. Causes of misapplication

V. The means proposed for securing better administration.

I.

THE PURPOSES TO WHICH THE FUND RAISED FOR THE RELIEF OF THE POOR OUGHT OF RIGHT TO BE APPLIED.

"The forty-third of Elizabeth," says the report at p. 21, "does not authorize relief to be afforded to any but the impotent, except in return for work. And much as this part of the statute has been neglected, its validity is recognized by the judges. In the King *v.* Collett, 2 B. & C., 324, Lord Tenterden decided it to be the duty of overseers to provide work, if possible, before they afforded relief. And

[1] Aschrott, pp. 36, 37.

whatever may be the difficulty of finding *profitable* work, it is difficult to suppose the existence of a parish in which it would not be *possible* to provide some work, etc."

II.

HOW IT WAS MISAPPLIED.

A large part of the report is taken up with an exposition of the misapplication of the poor funds. Payment for work, the commissioners say, was the most unusual form in which relief was administered. The poor rate returns for 1832 show that out of over £7,000,000 expended for the relief of the poor, less than £354,000 were paid for work, including work on the roads and in the workhouses. The great source of abuse was found to be in out-door relief afforded to the able-bodied on their own account, or on account of their families. This relief was given in various ways.

1. *Relief of the Able-Bodied in Kind.*—This method of relief consisted in furnishing food, fuel and shoes, but more commonly in the payment of rent or furnishing house room. The last method was extensively employed, and under it large numbers of laborers were exempted from paying rates or rent, or both, and a distinction was made between settled and unsettled laborers, in favor of the former and against the latter.

2. *Relief of the Able-Bodied in Money.*—This was said to be the common method of affording out-door relief to the able-bodied. Five systems are mentioned, viz: (*a*) relief without labor, (*b*) The allowance system, (*c*) The roundsman system, (*d*) Parish employment and (*e*) The labor rate system.

(*a.*) *Relief Without Labor.*— This consisted of giving a daily or weekly sum to persons professing to be without employment. It was sometimes called "relief in lieu of labor," and was often in the form of doles insufficient for the person's maintenance but given without condition, except that the person was to shift for himself.

(*b.*) *Allowance.*—This consisted of allowances made by parishes to laborers who were employed by individuals in aid of their wages.

(*c.*) *The Roundsman System.*—This consisted in paying the occupiers of land to employ applicants for relief at a rate of wages fixed by the parish depending on the needs of the applicant, rather than the value of his services, the employer being repaid out of the poor rate all he advanced in wages beyond a certain sum. This system was variously called the house-row, roundsman, billet, ticket or stem system, and under it poor laborers were sold to the lowest bidder. The evidence showed that at one place, Yardly, Hastings, all the unemployed men were put up to sale weekly, and it was stated that ten men had then recently been knocked down to one of the farmers for five

shillings, and that there were at the time about seventy men let out in this manner out of a body of 170[1].

(*d.*) *Parish Employment.*—This consisted in the parish furnishing employment to applicants for relief, but the practice varied in the different parishes. In some full work was exacted at low wages, in other short hours was the rule, while in some the laborers seemed to have it all their own way. In some of the agricultural districts, it was stated the prevalent mismanagement in this respect had created in the minds of the paupers a notion that it was their right to be exempted from the same degree of labor as independent laborers.

(*e.*) *The Labor Rate System.*—This grew out of agreements among the rate-payers that each of them should employ and pay out of his own money a certain number of the laborers settled in the parish, in proportion, not to his real demand for labour, but according to his rental, or to his contribution to the rates, or to the number of horses that he kept for tillage, or to the number of acres occupied, or some other scale.

WIDOWS.

In addition to the above systems of relief professed to be on the ground of employment or of insufficient wages, it was quite general to pension widows. Without reference to age, strength, or ability to obtain their own living, these were paid from 1*s.* to 3*s.* a week, with a further allowance of 1*s.* 6*d.* for each child. In case of illegitimate children, the more common allowance to the mother was 2*s.* or more. The allowance to mothers of illigitimate children grew out of the act referred to under which the justices ordered the putative father to pay a weekly sum. In case of default the overseers paid the mother out of the poor rate, and it became profitable for a woman to have several illegitimate children, whereby she was rendered comparatively independent.

IN-DOOR RELIEF.

The commissioners also found great maladministration in the furnishing of in-door relief, or that given within the poorhouse or workhouse. This, in the greater number of cases seemed to be a place "where the young are trained in idleness, ignorance and vice; the able-bodied maintained in sluggish, sensual indolence; the aged and more respectable exposed to all the misery that is incident to dwelling in such a society, without government or classification, and the whole body of inmates subsisted on food far exceeding, both in kind and in amount, not merely the diet of the independent laborer, but that of the majority of the persons who contribute to their support."

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[1] Report, p. 19.

PROGRESS OF ABUSES.

And these several abuses in administration were reported to be steadily and rapidly progressive.

III.

THE EVILS RESULTING FROM SUCH MISAPPLICATION.

The evils resulting from misapplication of the funds raised for the relief of the poor were considered as affecting (1) the owners of property, (2) the employers of labor, and (3) the laborers and their families.

1. *Effect on Property Owners.*—The pratice of giving unlimited outdoor relief, of practically permitting a class of laborers to dictate terms to the parish officers and farmers, and of giving relief in poorhouses without intelligent classification or direction, increased the burden upon the land to an incredible degree. The poor rate was assessed against the occupiers of lands, and as they increased in amount the ability of the tenant to pay rents decreased. Accordingly in many parishes the pressure of the poor rates reduced the rent to half or to less than half, and in many instances the owners could find no tenants. A remarkable and illustrative instance was found in the parish of Cholesbury, in the county of Bucks. The population there had been about stationary from 1801, and within the memory of persons then living[1] the rates were only £10, 11*s*. a year, and only one person received relief. In consequence of the spread of the various forms of giving relief to those who demanded it, and of the settlement law, the poor rates increased from £99, 4*s*. a year in 1816 to £150, 5*s*. in 1831; and in 1832, when it was proceeding at the rate of £367 a year, suddenly ceased in consequence of the impossibility to continue collections, the landlords having given up their rents, the farmers their tenancies, and the clergyman his glebe and tithes. In this place therefore, "the expense of maintaining the poor has not merely swallowed up the whole value of the land; it requires even the assistance for two years of rates in aid from other parishes to enable the able-bodied, after the land has been given up to them, to support themselves; and the aged and impotent must even then remain a burthen on the neighboring parishes."[2] To show the effect of maladministration upon land owners nothing would need to be added to the testimony of the witnesses that land values and rents were constantly decreasing, while the poor rate was steadily increasing to the point where all margins would be swallowed up, as indeed actually happened in Cholesbury and some other places.

2. *Effect on the Employers of Labour.*—The effect upon the employers was somewhat different in the case of farmers and manufacturers or town employers. The deterioration of the agricultural laborer was

[1] 1832.

[2] Report, p. 37.

more disadvantageous as to the former than to the latter, owing to the difference in supervision, but it caused unskilfulness, dishonesty and personal hostility. The farmer, as long as he could make a margin of profit, lent his assistance to the growth of the system of allowance in aid of wages, whereby all other rate payers contributed to make up the wages of his laborers, and as soon as that margin showed signs of disappearing, either threw up his holding or demanded a reduction of rent. Ultimately he would be compelled to withdraw his capital to seek other investments, only to find that, others doing the same, the market was practically closed. Certain branches of manufacture, on the contrary, seem to have thrived upon pauper labor, and to have located wherever maladministration was the most pronounced, thus producing their goods at the cost of the rate-payers, while by the supervision of the factory they were enabled to exact a fuller measure of labor than could be obtained by the farmers. The effect of this was not to injure the manufacturer, perhaps, but it lowered wages and operated to the great disadvantage and pauperization of labor and to the injury of all rate payers. It was, in fact, a system of robbery from which employers, whether agricultural or manufacturing, reaped a more than doubtful advantage.

3. *The Effect on Laborers—(a.) On Those not Relieved.*—The effect on the body of laborers was well nigh disastrous. It cannot be doubted that the effect upon individuals was most mischievous, and that it entailed pauperism upon generations. This was more particularly the case among agricultural laborers from which the body of manufacturing workmen and artisans is recruited. The system not only failed to inculcate habits of industry and economy, but was hostile to them. An honest laborer, who worked hard and began to lay something by for his old age, found himself turned off in favor of a parish pauper, whom the employer was bound at any rate to support. Moreover, he found himself an object of hatred among his fellows and, tied down to his parish by the law of settlement, his lot was a hard one, and he had every inducement to squander his savings and become a pauper himself.

(*b.*) *On Those Actually Relieved.*—"But though the injustice perpetrated on the man who struggles, as far as he can struggle, against the oppression of the system," says the report, "who refuses, as far as he can refuse, to be its accomplice, is at first sight the most revolting; the severest sufferers are those that have become callous to their own degradation, who value parish support as their privilège, and demand it as their right, and complain only that it is limited in amount, or that some sort of labor or confinement is exacted in return." To sum up the evidence, the existing system destroyed the industry and energy of the laborers, it rendered them dishonest and thriftless, it made them the enemies, not only of employers, but also of provident workmen, it lowered

wages, it decreased production, it led to improvident marriages (for the right to relief of the able-bodied depended largely upon the number of their children, to bastardy, to the neglect and perversion of the ordinary human instincts relative to the family and neighbourly kindness. Instead of manly strength, which comes from contact with the soil, weakness and disease, moral and physical, were coming to be characteristics of the lower class of laborers.

IV.

CAUSES OF MISAPPLICATION.

If pauperism in its development in England had been a local affection, the measures adopted for dealing with it might have been effective. But it was a disease affecting the whole body politic, and could not be adequately met by administrative officers appointed in small districts, for three, four, six or twelve months, and who might, through their ignorance and self-seeking, bring on an increase of the evil they were chosen to mitigate. The overseers, standing alone, had been found incapable of dealing with it. Where one seemed to understand the seriousness of the economic conditions involved, and applied right principles to his task, hundreds saw in the office merely a disagreeable task, or a temporary opportunity of bringing some trade to their own shops. The term of office was too short, the area too small, and the character of the men appointed too feeble to insure any but deplorable results. Nor did the vestry seem competent to deal with the evil, seeing that it regarded alone the affairs of its own parish, and was composed largely of employers who considered themselves benefited by keeping down the rate of wages; and the select vestry was no very great improvement in the long run.

The paid assistant overseers were found to be valuable officers, but their efficiency was curtailed by their absolute dependence upon the vestries; nor had the powers and duties of the magistrates a beneficial effect upon the poor. Applicants for relief soon learned to know the magistrates who would grant orders with the least inquiry, and, in general, orders of relief were issued as a matter of course, or the burden of proving that the applicant was not entitled was thrown upon the overseers, while the passing of accounts was equally a mere formality. Thus, so far as the magistrates were concerned, relief was granted to unworthy persons and the funds raised for the relief of the impotent were squandered or embezzled. Even when the overseers themselves where disposed to discriminate, and to refuse relief to the able-bodied, all their efforts might be set at naught by the orders of magistrates who proceeded upon "humane" grounds.

To these several causes, the law of settlement contributed largely. The self-respect of the labor was destroyed by the ease with which he could obtain help from the rates, but the law of settlement bound him

like a slave to his own parish. If work somewhere else demanded his labor at good wages, he was timorous about leaving his parish for fear of losing his settlement; or if he did go he was the subject there of efforts to prevent his acquiring a new settlement, and liable to be returned under an order of removal if he happened to fall sick or meet with an accident. Thus, while the English laborer was bound in poverty to the soil, foreign laborers flocked in to obtain employment and take the place which was rightly his.

V.

REMEDIES FOR THE CORRECTION OF THE EVILS.

The commissioners recognized the possibility of there being times and occasions when it may be proper to afford public relief to the able-bodied. To render such aid without injury to the recipients and the country was the great problem. If this could not be solved they would have recommended the abolition of all relief to the able-bodied. They say:

"It may be assumed, that in the administration of relief, the public is warranted in imposing such conditions on the individual relieved as are conducive to the benefit, either of the individual himself, or of the country at large, at whose expense he is to be relieved.

"The first and most essential of all conditions, a principle which we find universally admitted, even by those whose practice is at variance with it, is that *his situation on the whole shall not be made really or apparently so eligible as the situation of the independent laborer of the lowest class.*

"Throughout the evidence it is shown that in proportion as the condition of any pauper class is elevated above the condition of independent laborers, the condition of the independent class is depressed; their industry is impaired, their employment becomes unsteady, and its remuneration in wages is diminished. Such persons, therefore, are under the strongest inducement to quit the less eligible class of laborers and enter the more eligible class of paupers. The converse is the effect when the pauper class is placed in its proper position, below the condition of the independent laborer. Every penny bestowed, that tends to render the condition of the pauper more eligible than that of the independent laborer, is a bounty on indolence and vice. We have found that as the poor rates are at present administered, they operate as bounties of this description to the amount of several millions annually.[1]

I have quoted this passage from the report fully because it sets out perspicuously a chief principle of modern poor law administration, viz. that the condition of the poor law beneficiary should be rendered less eligible than that of the poorest independent laborer. This principle

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[1] Report, p. 127.

had indeed been previously developed and applied in the better districts, with the beneficial results of restoring and improving the industry of the poor, encouraging frugal habits among them, increasing the permanent demand for their labor, raising their wages, decreasing improvident marriages, abating their discontent, and improving their moral and social condition.[1]

Recommendations.

The commissioners made recommendations based upon their inquiries and conclusions as follows:

1st. *That except as to medical attendance all relief whatever to able-bodied persons, or to their families otherwise than in well regulated workhouses (i. e., places where they may be set to work according to the spirit and intention of the 43d of Elizabeth), shall be declared unlawful, and shall cease in manner and at periods hereinafter specified: and that all relief afforded in respect of children under the age of 16, shall be considered as afforded to their parents.*

This plan was expected to furnish a test of destitution and is the foundation of the present general "workhouse test." It was also aimed at the abolition of partial relief, in order that the pauper and the independent laborer might at once be separated by a broad line of demarcation, and at removing from the distribution of relief a troublesome discretion.

To carry out this plan most thoroughly they made their second recommendation, viz:

2d. *The appointment of a central board to control the administration of poor laws, with such assistant commissioners as may be found requisite; and that the commissioners be empowered and directed to frame and enforce regulations for the government of workhouses, and as to the nature and amount of the relief to be given and the labor to be exacted in them, and that such regulations shall, as far as may be practicable, be uniform throughout the country.*

This plan was to furnish an agency to carry out the legislative intent and to prescribe rules in regard to workhouse administration, in details regarding which the legislature could not well act.

3d. *To effect these purposes we recommend that the central board be empowered to cause any number of parishes which they may think con-*

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[1] Miss D. L. Dix, in a memorial to the legislature of the State of New York in 1844, (page 21), said: "One is made to feel the great importance of framing effectual plans for diminishing pauperism. rather than, by supplying present urgent wants, increase dependence and diminish the self-reliance and self-respect which is felt by those in humble circumstances, who endeavor, by care and economy, to provide, at least in part, for themselves. Let them know certainly, that if they do not support themselves abroad, they will, by law, be required to do so in a workhouse, and I think pauperism, in a few years, would dwindle down to cases of the aged, the infirm, and to children without parental guardians."

venient to be incorporated for the purpose of workhouse management, and for providing new workhouses where necessary, to declare their workhouses to be the common workhouse of the incorporated districts, and to assign to those workhouses separate classes of poor, though composed of the poor of distinct parishes, each distinct parish paying to the support of the permanent workhouse establishment in proportion to the average amount of the expense incurred for the relief of its poor for the three previous years, and paying separately for the food and clothing of its own paupers.

In favoring the union of parishes and the establishment of union workhouses, the commissioners were fortified by reasons which it is not necessary here to review, nor is it necessary to comment upon the next recommendation.

4th. *That the central board be empowered and required to take measures for the general adoption of a complete, clear and, as far as may be practicable, uniform system of accounts.*

In order that the paid officers might be relieved from dependence upon the annual officers, or the vestry, the following recommendation was made:

6th. *That the central board be directed to state the general qualifications which shall be necessary to candidates for paid offices connected with the relief of the poor, to recommend to parishes and incorporations proper persons to act as paid officers and to remove any paid officers whom they shall think unfit for their situations.*

To protect rate-payers and the poor from jobbery, fraud and mismanagement in the purchase of supplies, it was recommended:

7th. *That the central board be empowered to direct the parochial consumption to be supplied by tender and contract and to provide that the competition be perfectly free;* and, in order that prosecutions for embezzlement should not be left to voluntary prosecution.

8th. *That the central board be empowered and required to act in such cases as public prosecutors.*

The further recommendations were as follows:

9th. *Relief to or expenditures on account of the able-bodied to be treated as a loan and to be recovered from wages.*

10th. *Regulations to be made respecting the apprenticing of children, etc.*

11th. *Regulations to be framed and enforced by the central board as to the relief to be afforded to vagrants and discharged prisoners.*

12th. *The central board to annually submit a report to one of her majesty's principal secretaries of state.*

13th. *The central board to be empowered to appoint and remove their assistant and all their subordinate officers.*

14th, 15th, 16th, were recommendations as to modifications in the law of settlements.

And finally the entire abolition of the bastardy laws was recommended for the reason that "they increase the expense which they were

intended to compensate, and offer temptations to the crime which they were intended to punish, and that their working is frequently accompanied by perjury and extortion, disgrace to the innocent and reward to the shameless and unprincipled, and all the domestic misery and vice which are the necessary consequence of permature and ill-assorted marriage. They propose to restore the natural order of things and therefore recommended:

17th. *That the general rule shall be followed, as far as it is possible, and that every illegitimate child born after the passing of this act, shall, until it attain the age of 16, follow its mother's settlement.*

18th. *That the mother of an illegitimate child born after the passing of the act be required to support it, and that any relief occasioned by the wants of the child be considered as relief afforded to the parent.*

19th. *That the same liability be extended to the husband.*[1]

20th. *That the act making an unmarried pregnant woman removable, and the act which authorized the committal of the mother of a chargeable bastard to the house of correction be repealed.*

21st. *That section 2 of the 18 Eliz., Cap. 3, and all other acts which punish or charge the putative father of a bastard be repealed.*

THE NEW ACT OF 1834.

A bill founded upon this report and its recommendations was brought into parliament and became a law August 14, 1834. It was entitled "An act for the amendment and better aministration of the laws relating to the poor in England and Wales."[2] Although of great length, and containing important provisions, its chief aim was to restore the principles of the act of the 43d of Elizabeth and to make them effective by the selection of competent local officials, controlled by the regulations of a central board.

Mr. Davis makes the following condensed statement of its provisions:

"The act was based on the principle that no one should be suffered to perish through want of what is necessary for sustaining life; but at the same time that, if he be supported at the expense of the public, he must be content to receive such support on the terms most consistent with the public welfare, and the objects of the act were, 'first to raise the laboring classes, that is to say, the bulk of the community, from the idleness, improvidence and degradation, into which the maladministration of the laws for their relief has thrown them; and secondly, to immediately arrest the progress, and ultimately to diminish the amount of the pressure on the owners of lands and houses.'

"The provisions of this important act may be thus concisely enumerated. The crown was empowered to appoint (for a period of five

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[1] The husband of the mother of an illegitimate child.

[2] 4 & 5 W IV., c. 76.

years) three commissioners to be styled, 'The Poor Law Commissioners for England and Wales,' to sit as a board for carrying the act into execution, with power to them to appoint assistant commissioners and other officers.

"The administration of relief to the poor throughout England and Wales, according to the existing laws, was made subject to the direction and control of the commissioners, who were authorized and required to make and issue all such rules, orders, and regulations for the management of the poor, for the government of workhouses and the education of children therein, and for the apprenticing of poor children, and for the guidance and control of all guardians, vestries and parish officers, so far as related to the management of the poor and the keeping, auditing, and allowing or disallowing of accounts, and making and entering into contracts or any expenditure for the relief of the poor, and for carrying the act into execution in all other respects, as they should think proper; but they were not enabled to interfere in any individual case for the purpose of ordering relief.

"All the powers of Gilbert's act, 22 Geo. III., c.83, and of the 59 Geo. III., c. 12, and also of all other acts, general as well as local, relating to the providing of workhouses, the borrowing of money, and governing and employing the poor, were subject to the control of the commissioners.

"The commissioners were empowered to form poor law unions by uniting parishes for the administration of the poor laws, each parish, however, to be separately chargeable with the expense of its own poor on an ascertained average for three years preceding; but an agreement might be made for the united parishes becoming one parish for the purpose of settlement, the union to be under the immediate management of guardians of the poor elected for that purpose, and acting as a board, but subject to the general control of the commissioners, and all justices of the peace being *ex-officio* guardians.

"Power was given to the commissioners, with the consent of the guardians or rate-payers of a parish, to build or enlarge workhouses, and make regulations for them. Relief was to be administered according to the rules of the commissioners; but out-door relief might be given, on the order of two justices, to poor persons wholly unable to work from old age or infirmity of body.

"The union or incorporation of parishes under Gilbert's act was prohibited without the consent of the poor law commissioners.

"The commissioners were empowered to direct the appointment, duties and salaries of paid officers for administering relief, examining and auditing accounts and carrying the act into execution. Registers were directed to be kept of persons relieved, and relief given to or on account of the wife or any children under sixteen, is considered as given to the husband or father; and the children of a woman, whether legiti-

mate or illegitimate, born before marriage are, until sixteen, to be maintained by her husband, and deemed part of his family. Provision was made for the affiliation of bastard children, and for borrowing money to assist in the emigration of poor persons. Settlement by hiring and service, and by serving an office, was abolished; and settlement was not to be required by occupying a tenement unless the poor rate was paid for an entire year, nor by estate unless the owner should inhabit within ten miles of it.

"The removal of paupers to their place of settlement under orders, was regulated, as well as the appeals against such orders, and penalties were imposed for the violation of rules and other offenses.

"The act contained provisions for giving validity to and enforcing the orders and rules of the commissioners."[1]

The agents for affording relief appointed by this act and succeeding legislation will be mentioned hereafter. Some of the recommendations of the commissioners were not at once adopted, but the tendency since has been towards putting their other suggestions into practice. However, as appears above, their very important recommendation as to the central authority was adopted, temporarily at first, but eventually as a permanent department of government. The office of the commissioners under the act of 1834 was continued from time to time until 1847, when their powers and duties were transferred to the poor law board then established. This board, like its predecessor, was also temporary and was continued by several acts until 1867, when it was made permanent and, in 1871, by the 34 & 35 Vict. c. 70, it was merged into the present local government board.

SUBSEQUENT LEGISLATION.

I will not undertake to detail subsequent legislation. Under the influence of the central department, at first exercised actively to the end of diffusing knowledge and securing the adoption of correct principles, progress has been steady and in the main consistent. In describing the system as it now exists it will not be necessary to refer to particular acts of Parliament. Some account of the constitution and functions of the central department, however, must now be given.

THE CENTRAL AUTHORITY.

The local government board, as at present constituted, has the powers and duties of the former poor board, united with the medical department of the privy council office and local government branch of the home office. In addition to its functions relative to the poor law, it has jurisdiction over highways and sanitary districts and supervision of local authorities. It consists of a president, who is usually

[1] Davis, A Treatise on the Poor Laws, p. 14.

selected from among the members of the cabinet, with a seat in Parliament, and the president of the privy council, the several secretaries of State, the lord privy seal and the chancellor of the exchequer as *ex-officio* members. These, with the parliamentary secretary, constitute the political board, and change with the ministry. In practice the *ex-officio* members take no part, the work being left to the president and his secretaries. The permanent secretary of the board is not a party representative. In fact, the duties of this board seem to have little or no connection with political parties. The present permanent secretary, Sir Hugh Owen, K. C. B., has been connected with the central board during the greater part of its existence. In addition to these chief officials there is a legal adviser, assistant secretaries, a chief general inspector, general inspectors, inspector of audits, inspector of local loans, etc., assistant general inspectors, inspectors of boarded-out children, a chief clerk, and a large number of other subordinate officers, each having well-defined duties, among whom should be mentioned a large corps of district auditors. These officers are paid reasonable salaries and their official quarters are at Whitehall.

The functions of the board consist in—

1. The erection of parishes into poor law unions and altering the same; the appointment of necessary paid officers of unions; fixing the qualifications of such officers, their duties and salaries, and the security to be given by them.

2. The making and issuing of orders and regulations to supply the details of the administration of relief under existing laws. These orders regulate the proceedings of the guardians and prescribe the duties of the parochial and union officers, etc. The most important proceedings of the board under this head have been the issuing of the "General Consolidated Order," of July 24, 1847; the "Out-door Relief Prohibitory Order," of December 21, 1844; the "Out-door Relief Regulation Order," of December 14, 1852; and the "General Order for Accounts," of January 14, 1867 and the "Order as to the Election of Guardians," of February 14, 1877. These and other orders effectively supplement the general acts of Parliament, and the "General Consolidated Order," having the force of law, is considered as important as the act of 1834 itself.

3. To see that its orders are carried out and that the affairs of the unions are honestly and economically administered. It accomplishes these purposes effectually through paid inspectors and auditors.

4. It has a jurisdiction over accounts and may allow them equitably when not strictly in conformity with law. In such cases it acts upon appeals which may be taken from the auditor's decisions. It also has to investigate complaints against guardians and to decide questions of settlement if referred to it.

5. And, lastly, it gathers and disseminates information relating to

the matters it has in charge, instructs the guardians, advocates approved principles and, through its inspectors, supervises their introduction into practice. The preparation of an annual report, in which the general interests at stake are discussed and the situation of the districts reviewed by statistics and otherwise, is not among the least of its important duties.

MODERN OPERATION OF THE POOR LAWS.

Let us now examine the constitution and operation of a modern poor law union as organized under the local government board and at work under the acts of Parliament and the poor law orders. I will divide the subject as nearly as possible in accordance with the division made among the Pennsylvania commissioners, as follows:

I. The fund for the relief of the poor; how assessed and collected, disbursed and accounted for.

II. Districts, settlements and legal procedure.

III. Poor law officers and their duties.

IV. Almshouse (workhouse) administration; employment of the poor, and care of poor children, idiots and insane persons.

V. Out-door relief, and relief of the casual poor or persons without home or residence.

VI. The liability of persons to support their relatives, and the enforcement of such liability.

VII. Desertion, bastardy and vagrancy.

I.

THE FUNDS FOR THE RELIEF OF THE POOR, HOW COLLECTED, ETC.

For convenience we will consider this branch of the subject under the following heads:

1. The nature of the fund.
2. Its assessment and collection.
3. Its disbursement.
4. The system of accounts and audits.

1. *The Nature of the Fund.*—The poor rate is practically a charge upon land alone and is based upon the statute 43d Elizabeth, c. 2, although numerous and minute measures have been enacted relating to details. It is levied upon the occupier according to the annual value of the holding, with improvements. In certain cases (to relieve the overseers from the collection of very small sums) the rate is assessed against the owners, but the occupiers are named also in the rating on account of the franchise. As the original legislation related to parishes alone, subsequent acts allowed the rate also in townships and vills, towns corporate and parishes extending into two counties.

Besides this fund there are occasionally special rates and advances made for particular purposes or under special circumstances. Powers

have been given to borrow money for the erection of workhouses and the payment of debts. Provisions have also been made for the issuing of exchequer bills and the advance of money out of the consolidated fund for carrying on public works, employment of the poor, etc.[1]

There is also the rate-in-aid we have already referred to.

2. *Its Assessment and Collection.*—The rate is made by the church-wardens and overseers, with the approavl of the justices.

The statutes 6 & 7 Will. IV., c. 96, provided that no rate for the relief of the poor should be allowed by any justices, or be of any force, unless upon an estimate of the net annual value of the several hereditaments rated thereunto, "that is to say, of the rent at which the same might reasonably be expected to let from year to year, free of all usual tenants' rates and taxes and tithe commutation rent charge, if any, and deducting therefrom the probable average annual cost of the repairs, insurance and other expenses, if any, necessary to maintain them in a state to command such rent," etc. The rate was required by the same act to be made out in a certain prescribed form and signed by the church wardens and overseers before it could be allowed by the justices, and the central authority was given power under some circumstances to order a new survey and valuation.

The statue 25 & 26 Vict. c. 103, provided for the appointment by the guardians of each union from among themselves a committee of from six to twelve elected and *ex-offico* guardians, for the investigation and supervision of the valuations to be made within their unions. They were to be called the assessment committee of the union. The committee's authority was to extend over every parish of the union, and they were to employ the clerk or assistant clerk of the board of guardians as their clerk, with compensation to be approved by the central board. The overseers of each parish in the union were required to make out a valuation list and certify it, after fourteen days public notice to the assessment committee, which might direct the same to be revised or a new valuation made in order that the rating should be uniform throughout the union. Overseers or rate-payers might file objections to the rating and be heard at a meeting of the board, when orders conducive to fairness might be made. After completion, the valuation lists were to be delivered to the overseers and no rate for the relief of the poor was to be approved unless made in accordance therewith.

The valuation lists being approved, the overseers and church wardens make the rate in accordance with a form prescribed by the central board[2] and this is then formally, "allowed" and consented to by two justices of the peace of the county. The allowance by the justices is a mere ministerial act and they must not refuse it. In the event of refusal they may be coerced by mandamus or attachment.

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[1] 57 Geo. III., c. 34.

[2] General Order for Accounts, Jan. 14, 1867.

The notice of the rate is given by a written or printed paper posted on or near the door of all churches and chapels in the parish. Rate-payers are entitled at seasonable times to make copies of or extracts from the rate without cost.

The statute of Elizabeth provided for an appeal to the general quarter sessions from such rate, and the 17 Geo. II., c. 38, s.4, regulated the exercise of this right and provided for notice being first given to the overseers or church-wardens. And it was also provided that the justices acting in and for every petty sessions should hold a special session at least four times in every year for hearing such appeals. As to any union, however, where the union assessment committee act, 1862, applies, no appeal to the sessions can be taken unless notice be first given to the committee and the objector "shall have failed to obtain such relief in the matter as he deems just." In addition to corrections by the assessment committee and hearing by the petty or quarter sessions, such appeals might be decided by arbitration[1] or, without reference to the sessions, by special case, stated for the opinion of any judge of one of the superior courts of common law at Westminster.[2]

The duty of collecting the poor rate devolves upon the overseers, but paid collectors may now be appointed by the board of guardians, with the approval of the central authority.[3] The duties of both are regulated by the poor law orders.

After demand made upon the rate payer and refusal or neglect to pay, he may be summoned and afterwards the magistrates may issue a distress warrant to enforce payment. This is done by distress and sale of the offender's goods. In default of goods he may be imprisoned not exceeding three months.

The various steps in assessing or valuing, rating and allowing the tax, as well as the notices and the formalities prescribed, must all be duly followed, otherwise the rate will be invalid and not enforceable.

The system is exceedingly artificial and intricate.

3. *Its Disbursement.*—No use of the funds so raised can be made unless authority be given by law.

The poor law commissioners issued a circular respecting the duty of parochial officers, March 1, 1836, in which they said, in reference to expenditures:

"Usage is of no legal authority in the construction of the statute of Elizabeth, by which the poor rates are established. The law has not given to the parish officers or even to the vestry any power of charging or of taxing their fellow parishioners, even for useful purposes, at their own mere discretion; and no charge upon the poor rates is legal unless it is in plain words sanctioned or directed by some statute."

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[1] 9 & 10 W. III., c. 15. ss. 12–16.

[2] 12 & 13 Vict., c. 45, s. 11.

[3] 7 & 8 Vict., c. 101, s. 62.

All disbursements therefore must be founded upon an act of Parliament. Relief must be given alone to persons legally entitled to it *i. e.*, to such as are in a state of necessity from destitution; and it must, moreover, not be furnished unless the securities prescribed by statute or by the orders of the central authority have been complied with. The person relieved must be registered in the parish book as a person entitled to receive collection, or, in the "Pauper Description Book," the "Weekly Relief Book," for out-door paupers, or the "Admission Book," for in-door paupers, in unions. In emergency cases, or such as arise from some sudden sickness or accident, and when there is not time for the officer to put the pauper's name upon the collection book in the regular way, relief may be given for one or two days without such entry. In unions this relief must be given in kind, and not in money. Even when it is lawful to give relief, yet the relief must not differ from that prescribed by statute or by the orders, rules and regulations of the central authority. In addition to statutory expenditures for providing work, putting out apprentices, relieving the impotent in and out of institutions, buildings, salaries, etc., the central authority defines, limits and explains legal expenditure in such a way that local officers are relieved of much responsibility, and misapplication of funds rarely happens.

4. *The Accounting and the Audit.*—Accounts are not received unless in the form prescribed by the central authority. The officers accounting must also give notice to the rate-payers and afford them proper opportunities for examining the accounts. In addition to the poor rate the following must also be accounted for:

All rents, dividends or other funds, arising from bequests vested in the parish officers for the relief of the poor.

All payments by the natural relations of paupers.

All repayments of relief given by way of loan under the statutes.

All repayment, by other parishes, of the cost of relief to paupers under order of removal or otherwise.

All earnings by paupers maintained by the parish in or out of the house.

All penalities, fines and forfeitures, wholly or in part, for the poor and all other moneys applicable to the same use.

The accounts made up in accordance with the requirements of the central authority are regularly audited twice a year. The orders relating to the method of keeping the books facilitates the work of the auditors who are required not only to submit the books and accounts to thorough investigation, but also to see that they are in due form, and that the expenditures are legal, or to disallow them if not so found. Each officer who expends money must account, and he is personally responsible for, such expenditure. That he was directed by a superior to expend money will not exonerate him from misapplication. The cen-

tral authority, however, upon appeal, as stated, has equitable power to allow rejected items and makes use of this power in the interest of the service generally. The audits are public. Rate-payers may appear and object to any items. The auditors are appointed and paid by the central authority, and the whole system of accounting and auditing tends to insure uniformity and compliance with law. The local officials, knowing that their accounts must be clear and precise, and that they must be passed by vigilant officers in the pay of the central authority, from whose decision they must appeal either to the high court or the central authority itself, are necessarily careful in expenditure, or, more properly speaking, the system brings into office more careful and economical officials. All such items as charges for salaries of overseers (the office being without salary) for time and trouble, and for dinners and entertainments of officials, are rejected, as not warranted by law. I am assured that there is now little, if any, complaint to be made in the English unions of misapplication of funds, although where out-door relief is much given, there remains the complaint that officials of a shop-keeping class, to some extent continue to get private gain out of relief-in-kind obtainable at their places of business.

It is to be observed that the appeal from the decision of auditors brings the local officials in direct contact with the central authority and enlarges the latter's control. By wise exercise of its equitable powers, the central board has obtained a better understanding with local authorities than would otherwise be possible.

II.

DISTRICTS, SETTLEMENTS AND LEGAL PROCEDURE.

1. *Districts.*—The administrative area is generally a union composed of several parishes, although about twenty-five parishes continue to be separate poor law districts. The parish, in unions, is the representative area, and elects one or more guardians of the union according to the regulations of the central board. The central board has power to divide large parishes into wards for the election of guardians: and to unite parishes and erect them into corporate unions. The combination of parishes in this way for the better administration of the poor laws is now based upon the amendment act of 1834, but permission to form unions had previously been given by the statute of Geo. I., c. 7, s. 4, and by Gilbert's act. The striking feature of the present law is the power enjoyed by the central board to erect unions. By having the power of uniting parishes, dissolving unions, and forming new ones, vested in a permanent central board, acting for the whole country, account can be taken not only of the size and relative wealth of districts, but also of the relative burdens of pauperism, and the convenience for locating workhouses, or the utilizing of existing buildings.

The advantages of the union in administration are numerous. It requires fewer and obtains better institutions; it spreads out the cost of buildings and the expense of salaries over a larger territory; it employs fewer administrative officers, affords them better remuneration and secures a higher class of men; it minimizes book-keeping and renders the business more amenable to oversight and direction.

Besides the parish and union areas, combinations of unions are formed for school purposes. By these larger districts a number of large district schools have been erected and organized for the reception of poor children chargeable to the poor rates, and these are usually placed in rural neighborhoods where the children can have advantages of instruction with healthful surroundings. Larger districts may also be formed for the establishment of homes for the friendless, and audit districts in which the district auditor has supervision of accounts of all unions within its limit. In general the central board has power to mark out districts for any poor law purpose.

In the combined districts for school and other purposes a somewhat peculiar principle is applied in London, which is believed to have good results. The establishment charges are borne by the whole district, while each union defrays the cost of the maintenance of its own poor in the institution. In addition to this, where the institution is approved by the central board, or "certified," a portion of the maintenance of each inmate is paid out of a common metropolitan fund. Thus guardians are encouraged to combine and erect special institutions acceptable to the board so as to obtain this contribution.

2. *Settlements.*—I have given some account of the origin of the English settlement law. It is unnecessary to go particularly into the intricate subject. The law in Pennsylvania is not only derived from it, but is enacted in the precise words of portions of the older statutes. The progress of the law in England, against the earnest protest of some of the most enlightened men, has been in the direction of greater intricacy and confusion and we can gain nothing from tracing it out. The power of removal of persons "likely to become chargeable" was revoked, as mentioned, during the reign of Geo. III. Under the act of 1834, parishes of a union may, by agreement, with the approval of the central authority, substitute the union in lieu of the parishes for purposes of settlement, whereupon the costs of maintenance and other charges are to be defrayed out of the common fund of the union. In 1846 a new principle, analogous to settlement, was introduced by 9 & 10 Vict., c. 66, under which a person became irremovable after five years' residence, although such residence did not confer settlement. The practical result was that if an irremovable person left the district and became chargeable he could not be removed to the place where he had been irremovable. The place where he became a charge was bound to ascertain his last place of legal settlement and

remove him thither. The period of residence, to obtain the status of irremovability, was in 1861 reduced to three years, and afterward to one year in 1865. By the act of 1876 it was provided that three years unbroken residence should confer a settlement. In 1879 a select committee of the House of Commons considered the laws of settlement and removal and heard evidence. It recommended that in England the power of removal should be generally abolished, and should only be retained at seaports with regard to persons landing there. It is claimed that public opinion in England was and is altogether in accord with their recommendation, but it has not as yet been carried out. "It is, in fact, only the special considerations in regard to Ireland that present any difficulties in the way of the entire abolition of removal."[1] The general adoption of unions as administrative areas and the introduction of the status of irremovability, have both contributed largely to the result of making the question of settlement somewhat unimportant, without, however, simplifying it in any degree. Practically however, removals are effected by consent of the local officials, or by submitting the facts to the local government board for decision as to the law. The law of settlement is of consequence only with respect to the power of removal. It has no other signification. If this power of removal be taken away and the principle accepted that it is the duty of the state to relieve destitution wherever and whenever it may occur, without respect to the applicant's connection with place, the whole law of settlement will fall to the ground. At present the law stands thus:

Under the following circumstances a destitute person is to be relieved as long as necessary in the parish or union where he applies for assistance, in the cost of such parish or union:

1. If he is legally settled in such parish or in any parish within such union.
2. If he is a foreigner and has no settlement in England.
3. If, by continuous residence of one year, he has become irremovable.
4. If he is living on his own land.
5. If he applies only on account of sickness or accident, unless the justices certify that the sickness or accident will produce permanent disability.
6. If he is under sixteen years of age and resides with parents, stepparents or reputed father who are not subject to removal.
7. If he is an orphan under sixteen years of age and had resided with a surviving parent up to the time of the death of the deceased parent, provided such parent was not removable.
8. If the person is a widow, and was living with her husband at the time of his death and continues unmarried. In such case she can-

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[1] Aschrott, p. 113.

not be removed for a year and then becomes irremovable by means of such residence.

9. If the person is a deserted wife, when she is treated as in the case of a widow (8).

But if a person become destitute under other circumstances he may be removed to his last place of legal settlement for maintenance. The present grounds of settlement, after many amendments of the laws, are as follows:

1. Derivative settlements or those obtained by being born in a place if the parents have no settlement elsewhere; by parentage the settlement of the child following that of the parent, and by marriage, the wife obtaining the settlement of the husband, if he have one.

2. Acquired settlements as follows:

(*a.*) Apprenticeship.

(*b.*) Renting a tenement.

(*c.*) Being charged to and paying a proportion of the public taxes and levies of the parish.

(*d.*) Residence for three years.

With the exception of the last, residence for three years these grounds of settlement are in principle identical with Pennsylvania settlements. Settlement by office and by hiring and service are now obsolete in England. With respect to renting and paying taxes also the statutory restrictions are of such a nature that removals based upon them are rarely, if ever, made. The obstacles in the way of removal may therefore be broadly set down in practice as three, viz: birth, residence and irremovability.

3. *Legal Procedure.*—The method of removing a pauper from one district to another is as follows:

The guardians, through the clerk, make a written complaint in due form to two justices of the county, upon which depositions are taken, and reduced to writing, and signed by the magistrates. If the justices find that the allegations are sustained by the evidence (that the pauper is a public charge and has a settlement elsewhere in England), they make an adjudication as to the place of settlement and issue the order of removal.

If it be shown to the justices that the person with respect to whom such order issued is sick and unable to travel, they may issue an order of suspension, to suspend execution of the order of removal until they "shall be satisfied that the same can be safely executed." etc.

The clerk to the guardians obtaining the order of removal (not suspended) transmits it, or a true copy, with a formal notice, setting out the grounds of removal and the facts respecting the settlement, to the guardians of the union within which it has been adjudged the pauper was last legally settled. The guardians of the latter union have

twenty-one days within which they can appeal from the adjudication, and of such intention notice is given in due form, with the grounds of appeal clearly specified. On notice of the appeal, the guardians obtaining the order may withdraw it at their own cost. The quarter session hearing the appeal, either confirms the order or overrules it, or may send up any legal question for the decision of the Queen's Bench Division. The latter court may also review the decision of the justice on *certiorari*, but no appeal lies to the judgment of the session.

The actual removal does not take place until the guardians of the place of settlement agree, in writing, to receive the pauper, or their appeal is overruled, or in case they give no notice of appeal, after the expiration of 21 days. The costs of maintenance, up to the day of delivery of the order of removal, as well as the expenses of removal, are borne by the removing union. The union of settlement must pay the cost of maintainance from the date of notice and delivery of the order only. The pauper is delivered at the workhouse of the district of settlement. In case of suspended orders, notice must be given in ten days to the guardians chargeable thereby, when the cost of maintainance may be recovered from them quarterly.

In case the pauper himself does not object to removal, the union of settlement may receive him voluntarily and without order. Guardians may also enter into formal agreements with guardians of other unions to submit all questions of settlement and removal for the decision of the central board and such decision is final and without appeal.

III.

POOR LAW OFFICERS AND THEIR DUTIES.

I have decribed in a measure the part which the Local Government Board has in the administration of the poor law and it will be necessary to refer again to it from time to time in detailing the duties of minor officers. I have also refered to the jurisdiction and duties of justices of peace. It may be well to remember that the standing and importance of the English magistrate is different from that of the justice of the peace in Pennsylvania. The English justice is commonly a man of large influence in his district and of wealth and social rank. He and his associates hold the quarter sessions of the place for the county and they have had in the past very extensive powers relating to local affairs. From his position as a sort of executive officer of the crown in his county, large powers relating to vagrants and the poor were committed to the justice from the beginning of the legislation. Many of these powers have, however been now recalled and lodged elsewhere. Yet the justices retain the following power.

1. They may order relief to be given in case of urgent necessity.

2. They may, under certain circumstances, order relief out of the workhouse.

3 They appoint the overseers.

4 They allow and give validity to the poor rate when made.

5 They hear objections to the poor rate and pass upon claims for exemption.

6. They grant compulsory orders of removal.

7. They make orders on relations to support their indigent children or parents.

8. They may inspect the workhouses and punish maladministration.

9. They are *ex officio* guardians. Some of these duties are judicial, and others are imposed upon the magistrates as a consequence of their social and civil position. Many of their duties are, however, merely ministerial and formal.

Two other classes of officers stand between the central board and the local officials with duties calculated to produce uniformity and economy in poor-law administration. These are the inspectors and the auditors.

1. *The Inspectors.*—There are four general inspectors, twelve inspectors, one inspector of audit, one inspector of loans, four assistant general inspectors, one inspector of boarding out children and four inspectors of workhouse schools in the employ of the local government board. The general inspectors and inspectors have supervision of the locaal dministrations within certain inspectoral divisions and it is their duty to attend, at times, the meetings of boards of guardians and to make a through examination of each workhouse and poor law institution in their district twice a year. At board meetings they may take part in the discussion, but can not vote. They make regular reports to the central board and inform that board of any irregulaties observed. They explain to the local officials the principles laid down by the central authority, and aid by advice and suggestion in their application and, on the other hand, they represent to the central board the views and the needs of the local officers. In case of complaint to the central board respecting any matter of local administration, the complaint and the papers relating to it are placed in the hands of the inspector of the district who makes an examination, summoning witnesses, if necessary, and lays a report of the facts, with his opinion, before the board. His familiarity with the local officials, their character and methods, and his disinterested position and social standing make him eminently fitted for such work. By means of the inspectors, the central authority is always in touch with the local administration,and the two branches of the public service are thus enabled at all times to understand each other.

2. *The Auditors.*—The settlement of the poor-law accounts requires the services of thirty-seven district auditors. They are both appointed and paid by the central board and are therefore removed as far as possible from local influences. The districts are prescribed by the same authority and are so large that each requires the whole time of the auditor assigned to it.

The accounts of every union must be audited twice each year. The Auditor gives at least fourteen days notice to the clerk to the guardians who in turn gives public notice of the time of audit. At least three days before the time fixed the books and accounts must be open to public inspection, so that rate payers may have the opportunity of making objections. The officials concerned must appear before the auditor and submit their vouchers. It is the auditors duty to see that the books and accounts are kept in due form, that the entries and calculations are correct, that the expenditures are in accordance with law and that they are reasonable in amount. If any expenditure is excessive or illegal he surcharges the officer responsible for it.

When he has completed the audit he certifies it and transmits an abstract to the central board.

Appeals from the auditor's decision can be taken either to the law courts or to the central board. In practice the latter is chosen on account of its equitable power to remit surcharges as, for instance, where the illegal expenditure has been made through error of judgment and without dishonest motive.

The office is an impotant one, as through it the central board controls local expenitures and it requires special knowledge and skill in the officer. He needs not only to be an expert accountant, but must also be a man of judgment and have accurate knowledge of the poor-law statutes, the decisions of the courts and orders of the central authority.

The local poor-law officers are the overseers and guardians, who are unpaid, and the clerk, relieving officers, collectors, master of the workhouse, etc., who receive salaries.

1. *The Overseers.*—The overseers, prior to the modern period of reform, had charge of nearly the whole of the local administration. Although now they must give relief in case of urgent necessity, upon the order of justices, this is exceptional, and their only duty practically relates to raising the necessary money for poor relief, and even here they are under the direction of the union assessment committee. They may also have the assistance of paid assistant overseers and collectors. The overseers are personally responsible for the necessary sums to meet the contribution orders of the guardians. They must keep the rate-books in the form prescribed by the central board and submit them, with their vouchers, to the district auditors. These duties, however, are laid down with such precision and minuteness that scarcely anything is left to the judgement of the overseers and they have little to do, their former duties having been mainly transferred to the guardians, and to paid officers and employés. The office is compulsory, the term is for one year and there is no salary or compensation.

2. *The Guardians.*—Each union and each parish, having by creation of the central board a separate poor-law administration, must have a

board of guardians. Unlike the overseers, the guardians are elected[1] by the rate payers of the individual parishes, and they are not obliged by law to serve, but they receive no salary or compensation.

In parishes of more than 20,000 inhabitants the central board can erect wards for the election of guardians, and this is done in parishes having separate administrations. The number of guardians is fixed by the central authority, but each parish must have at least one. They need not be residents of the parish they represent in the union, but must be assessed to the poor rate of the parish upon an annual rateable value of at least £40. In addition to the elected guardians, the magistrates of the county resident within the union are *ex officio* guardians. The office is not limited to males, although the central board decided that married women were ineligible. Since the passage of the Married Women's Property Act, 1882, the latter question is open and undecided. The term of office is for one year but the central board may enlarge it. Guardians may be and frequently are re-elected.

The board of guardians organize by electing a chairman and one or two deputy chairmen. Their procedure is regulated by the General Consolidated Order of July 24, 1847. Minutes of the meetings are made by the clerk and submitted at the next meeting for approval. The work is principally prepared by committees and by the clerk. The chief committees appointed by the guardians are the assessment committee for purposes of valuation, and the visiting committee for supervision of the workhouse. There may also be a relief committee.

The guardians must decide upon individual applications for relief. The application is usually made to the relieving officer of the district, or is referred to him and he makes a special examination of the case, and enters the facts in his book in due form. The guardians then consider it and sometimes require the attendance of the applicant personally. The relieving officers of the union attend the meetings of the board and submit their records.

The only ground of relief is destitution, and the chief question for the decision of the guardians therefore, upon applications, is its form. In the case of the able-bodied the orders of the central authority leave no discretion In other cases it must be decided whether the applicant shall be sent to the workhouse or other institution, or, in case of out-relief, whether it shall be in money or in kind.

They must also supervise the administration of relief. The visiting committees make regular reports to the board, touching the administration of the workhouse and other institution, and any questions arising are discussed thereon. The relieving officers report as to out-relief, which is always temporary and needs constant supervision.

The paid officers are in practice appointed by the board. The central

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[1] For the qualification of electors see *ante* p. 20.

authority has the right to reject any appointments, but rarely exercises it.

3. *The Clerk.*—The principal paid officer of the local administration is the clerk. His office is one of importance and responsibility, and it is necessary for him to have accurate knowledge of the statutes, the decisions of the courts and the orders of the central board. He is the legal advisor of the local board and its representative in all proceedings. Hence he is chosen for the office from the legal profession, and his whole time is devoted to the business of the union. In addition to keeping the minutes of the proceedings of the guardians, he has charge of the books and accounts prescribed by the central authority to be kept by the local board. He also supervises the books kept by the relieving officers and the master of the workhouse, and certifies their accuracy to the local board. He makes the necessary preparations for the half-yearly audits and conducts the election of guardians. Being a permanent officer, not removable except with the consent of the central authority, and being learned in the laws and regulations of the system, he exercises great influence with the guardians.

4. *The Relieving Officer.*—It is through the relieving officer that the local board is kept in contact with the poor. His business is directly with them and he learns to know the habits and character of the people in his district, so that he can collect and furnish information relative to applicants, with the least possible delay or chance of being deceived. He must keep the prescribed books and have them at the regular meetings of the board. In case of emergency he can give relief in kind or order admission to the workhouse, but ordinarily his duty is to visit the home of the applicant and inquire into his circumstances, his means, ability to work, and health. He advises the guardians as to the nature and amount of relief needed, and whether the applicant has relations who can be required to maintain him. He is also concerned with the direct administration of relief, the money in out-door cases being paid over and accounted for by him. He visits such cases periodically and reports any changes in circumstances. Where there are more than one relieving officer in a union or parish, the practice is to assign them districts and the tendency has been to increase their numbers and their pay on account of the value and responsibility of the office. Should a relieving officer neglect to give relief in a case of destitution he is liable to criminal proceedings, and on the other hand he is personally responsible if he give relief in an unwarranted case or in an excessive degree, and liable to have his credits disallowed.

As to the numerous other persons in the employ of the board of guardians it is unnecessary to give any account at this time.

IV.

WORKHOUSE ADMINISTRATION, EMPLOYMENT OF THE POOR AND CARE OF POOR CHILDREN, IDIOTS AND INSANE PERSONS.

1. *Of the Workhouse.*—The policy of the English law is to have a workhouse for a district large enough to spread out the necessary cost of buildings and administration over a considerable territory. It is therefore the typical institution of the poor-law union.

The workhouse is usually situate within the union or as near to its borders as economy and ease of access dictate. It is built upon plans which are improved from time to time as experience suggests under the approval of the central board. An essential feature is separation of the sexes (excepting married couples over 60 years of age, who may live together if they desire) and classification of inmates. The young are separated from their elders, and the diseased from those in health. In some, intemperate men are separate and given a different dress; able-bodied tramps or vagrants are not received in the workhouse but in vagrant wards, which are required to be erected and maintained. In these able-bodied men are permitted to commit themselves and are then subject to the rules regarding labor which consists of oakum picking, stone breaking, etc. The work of the regular inmates consists of wood chopping, tailoring, shoemaking, and other work suitable to their strength. Economically the results of labor in the workhouse have been of little consequence. It is as a test of destitution that it is of importance. The theory of the law is that the workhouse is established for the able-bodied. Out-relief to the able-bodied is not to be given for reasons apparent from the review we have made of legislation. Therefore when a man is destitute and seeks relief, if able bodied, the relieving officer or guardians offer to send him to the workhouse. Now the workhouse is administered upon the principle that the situation of the pauper maintained by the state is to be less eligible than that of the poorest of independent laborers. Hence the rules of the central authority, where carefully followed, as to restrictions of liberty, diet, etc., have a direct tendency to induce the able-bodied to find work and live by their own labor.

The principal officer of the workhouse is the master, or superintendent. He is appointed by the guardians but may be removed by the central authority and can not be removed without its consent. He has general supervision of the institution, the classification of paupers, their employment, food and clothes. He is responsible for discipline and must keep accurate records as prescribed by the orders of the central authority. He is assisted by a matron who acts in his absence. The visiting committee of the guardians visit the workhouse at least once each week and receive the reports of the master, the medical officer, chaplin, school master, etc. Complaints may be made to them by the

inmates and they are bound to investigate them. They enter the results of their inspection in a book which is presented at the next meeting of the board.

Paupers may be admitted to the workhouse in several ways, viz: upon order of the guardians, signed by the clerk; upon order of a relieving officer or overseer in urgent cases; by the master of the workhouse in case of emergency. When admission is either by a relieving officer, overseer or master, it is provisional only, and must be passed upon by the board at its next meeting, or by a relief committee *ad intrim*. The order of a relieving officer is in the following form:

Date . . . . . .

. . . . . Union.

To the Master of the . . . . . Union Workhouse:

Admit . . . . . wife and . . . children conditionally, to abide the determination of the Board at their next meeting.

. . . . . Relieving Officer.

Place of settlement . . . .

Parish in which resident .

Age . . . . . .

Residence . . . . . .

Trade . . . . . .

Why admitted . . . . . .

The admitted person is at once taken to the wash-room, where he is stripped, washed and clothed. His old clothing is placed in a receptacle and fumigated and returned to him upon his discharge. He is then examined by the medical officer and classified. If ill or diseased, he is sent to the infirmary. If able-bodied, he is sent to the stone yard or put at some convenient work. The pauper may discharge himself upon short notice under certain restrictions. If able-bodied, however, and he refuses to do his task of work, complaint is made to a magistrate and he is committed to jail.

The daily routine of inmates is carefully prescribed and must be adhered to. The diet is also prescribed according to classification. The respective diets are, numbered and a record is carefully kept as to which diet is received by each inmate at all meals. By this means an accurate account of the dietary cost of each inmate in preserved. By changes in the diet also punishment may be moderately inflicted. Smoking and the use of spiritous liquors are prohibited.

In the majority of workhouses large numbers of children are still maintained, but they are seperated and not allowed communication with other wards. The girls are also seperated from the boys and a classification is made as to age. Schoolmasters and schoolmistresses are employed and much is done for the children in the way of training.

Some unions combine, however, and erect separate schools where the childern are entirely removed from workhouse influences. The reception of children in these institutions is carefully conducted.

They are retained for the first fortnight in a receiving ward under the eye of a medical officer and nurse, to allow latent diseases to develop.

There is more difficulty in applying to them the general principle that they are not to be in a better position than the children of the working classes; and the cottage schools, such as the admirable institution at Banstead, are criticised as contrary to it.

Relief to children under 16 years of age is regarded as relief to the parents, so that the latter have the right to remove them whenever they see fit to do so. In practice the brighter children are removed from the schools in this way, and it is a source of regret to their instructors, who often become greatly interested in the welfare of their charges; as well as a great loss in the development of the children themselves. A system which has of late met with some popular favor for the care of children is known as the "boarding-out system," which consists in placing indigent children in respectable families, where they are maintained as members of the family under poor-law supervision. In regard to this the central authority issued the boarding-out orders of November 25, 1870, and September 10, 1877, providing for boarding-out children within and without the unions. These provide for the constitution of voluntary boarding-out committees to seek suitable homes for children and to keep some over-sight of them. The foster parents in such cases are allowed 4*s*. a week besides fees for clothing, school and medicine. The system is not favored by the central board. Children are also sent out to the colonies, but this has not proved satisfactory on account of the impossibility of providing efficient supervision.

2. *Employment of the Poor.* It is not the policy of the law to furnish employment to the poor, but to make it necessary or desirable for the poor to seek employment for themselves and to encourage habits of thrift. Nevertheless, as the workhouse is accessible to any settled inhabitant, and able-bodied persons may enter there, employment must be furnished them, although, as before stated, this operates, more by way of test, as few able-bodied men will care to work for any time under the circumstances presented. The kind of employment must be determined by the guardians and no remuneration is ever allowed. Oakum-picking has been the chief work given, owing to the fact that it is not open to the objection of competition with independent labor. Stone-breaking is also resorted to and, to some extent, those able to do some work are employed about the institution at different kinds of work. No general system is in vogue, however, for utilizing such powers as the partially disabled inmates retain, and, this is undoubtedly owing to certain political and economical considerations.

3. *The Care of Poor Children, Idiots and Insane Persons.* I have referred to the care of poor children in connection with workhouse administration. As to idiots and insane persons these are maintained in seperate and special institutions and under a different set of statutes, which it is unnecessary for us to examine. As in Pennsylvania, the

tendency is against retaining lunatics in workhouses. The guardians send such paupers to the county or borough lunatic asylums or registered hospitals or licensed houses, and the state makes a contribution of 4*s*. weekly for each lunatic admitted in such special institution.

V.

OUT-DOOR RELIEF AND RELIEF OF THE CASUAL POOR.

1. *Out-door Relief.* Out-door relief is all such relief as is given outside of regular poor-law institutions, viz: workhouses, infirmaries, asylums, hospitals, schools and training ships. It is given to able-bodied persons under exceptional circumstances only, and these are carefully pointed out by the regulations prescribed by the central authority in the out-door relief prohibitory order and the out-door relief regulation order. The relieving officer keeps a list of all out-door cases and distributes the relief periodically at the home or at an appointed place. He must visit the beneficiaries peroidically and inform the guardians of their condition and prospects from time to time, as the relief is granted temporarily only. All such relief may be given by way of loan.

Relief may be given in money or in kind, and the guardians have the discretion as to the mode, except in the case of the able-bodied. The central authority encourages the giving of relief in kind rather than in money.

During periods of industrial depression, destitution among able-bodied laborers may be relieved out of the workhouse, but upon the principle of the out-door relief regulation order one-half is given in articles of necessity. In such cases labor must be imposed and public work is then sometimes undertaken in connection with roads, etc. Reports must be made to the central board, specifying the place where such work is carried on, and other particulars. This furnishes what is called the "labor test."

It is not the policy of English administration to discontinue or discourage all out-door relief, but to prescribe the conditions under which it may be given and to keep the details under control. Many unions, however, have independently curtailed out-door relief as contrary to sound principles, and, acting in harmony with the charity organization society, have done much to prevent many of the poorer class from becoming paupers.

The act of 1834[1] recognized the evils of out-door relief to persons who are wholly or partially employed by individuals, but, admitting that difficulties might arise in case of immediate and universal cessation of the practice, authorized the central board to regulate it. Relief, contrary to the regulation, order and prohibitory order, issued in pursuance of this power, is illegal.

Out-door medical relief is in general administered by paid physi-

[1] Sec. 52.

cians, each union employing one or more practitioners for that purpose.

2. *Relief of the Casual Poor.* The Houseless Poor Act, 1864,[1] and subsequent acts required metropolitan boards of guardians to provide accommodations for the reception of destitute wayfarers, wanderers, foundlings, or other distitute persons who merely seek shelter for the night. The accommodations must be approved by the central authority and are under its supervision. Admission to the wards is had in the evening. The casuals are received, required to bathe and put on the clothing furnished while their own is fumigated and returned to them upon leaving. The next day they are given a task and if they refuse to do the work (stone breaking, oakum-picking, &c.,) they may be committed by a magistrate. They are allowed to discharge themselves the second morning at 7 o'clock unless they had sought shelter twice within the month, when they may be detained a longer period. Some of the casual wards are conducted upon the congregate system, but the most improved are upon the separate cell system. In ultra-metropolitan workhouses, seperate accommodations are provided for caual paupers upon the same principle. The discipline regarding them is more rigid and casuals are not allowed in the workhouse proper. In fact the treatment is rather of a penal nature, and, if private almsgiving were discontinued, would act as an efficient deterrent to tramping. Some effort has been made to distinguish the ordinary vagrant from the honest laborer in search of work. The latter may be received and dismissed after a slight task with a "way-ticket" specifying his route and entitling him to be received at another ward and so on to his destination. The system, however, has not been generally adopted.

VI.

THE LIABILITY OF PERSONS TO SUPPORT THEIR RELATIVES.

One of the duties of the relieving officer is to ascertain whether applicants for relief have relations liable for their support. He reports upon this to the guardians and, if there are such relations, the clerk takes the necessary legal steps to procure an order of magistrates, directing them to furnish relief under penalty for default. The sums so assessed upon relations are recoverable like penalties and forfeitures. The persons liable under the statute of Elizabeth are the father and grandfather the mother and grandmother, and children, if of sufficent ability.

VII.

DESERTION AND BASTARDY.

Desertion and bastardy belong rather to criminal law. They concern the poor-law only in case that either brings any charge upon the

[1] 27 & 28 Vict., c. 116 ; 28 Vict., c. 34.

rates. In these respects the English laws differ in no material degree from the laws in force in Pennsylvania.

As we have seen the commission of 1834 reported in very positive terms in favor of the abolition of the bastardy law, as contrary to morals, and recommended that the mother should be alone chargeable with the maintenance of the child. This aroused much opposition and the act of 1834 has been several times amended so as to allow the recovery of the cost of maintenance from the putative father, and to permit the putative father to be charged with maintenance as under prior laws, with the difference that the mother's evidence must now be corroborated in some material particular by other evidence.[1] Practically, therefore, in this respect the commissoners' recommendations have been overborne.

POOR LAW PRINCIPLES.

The poor-laws are not based upon charity but upon civil policy. Their enactment aims at the safety and honor of the state and not at the good of the individual. Some progress has been made through a strict limitation and definition of cases in which relief may be given out of public rates in the organization of private charity, which is alone worthy of encouragement of the name. In the direction of charity this is belived to be the utmost that can be safely done. Whether public relief of the destitute be regarded as a means of preventing anarchy, or of saving the moral sense of the whole people, the state has not conceded any right in the individual to demand it. It has by legislative enactment obliged rate payers to contribute for that purpose and has imposed the duty of relief upon certain officers, but it has prescribed no means by which any "right" may be judically enforced. Nor has the state committed itself to preventive measures. It undertakes to deal alone with destitution. The prevention of destitution is left to private charitable or philanthropic endeavor.[2] On the other hand, the state will not encourage destitution or reliance upon the rates. To prevent such reliance it lays down the rule that no one who is supported at public expense shall be in a more eligible condition than the poorest of independent laborers. The successful administration of the English system depends largely upon the strict enforcement of this principle throughout. There may be a few exceptions. One is that facilities are afforded in infirmaries, hospitals and asylums, by way of accommodation as well as of medical relief, medicines and attendance, which no poor man could obtain independently. An assistant general inspector[3] spoke to me with some pride of the increased death rate in

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[1] 7 & 8 Vict., c. 101.

[2] This is now proposed to be undertaken upon a comprehensive scale by the Salvation Army. See in "Darkest England and the Way Out," by Gen. Booth, London, 1890.

[3] Mr. Herbert.

the Lambeth infirmary, owing to the fact that the dying poor were encouraged to come in there, and receive the care of physicians and trained nurses in their last days. It is also claimed that the introduction of trained nurses had largely diminished the length of time of confinement in convalescent cases. These advantages, as well as some of those in the poor-law schools, may contravene the settled policy of administration, but they seem to be justifiable exceptions.

Another principle worthy of special mention is that no one is denied admission to a poor-law institution. Hence, no one can assert that he is denied assistance by the State without implying thereby that he is unwilling to work.

The respect shown by the administration for the liberty of the individual in carrying out these principles is somewhat remarkable. A pauper may discharge himself at will from a poor-law institution, subject to penalties for misconduct under police laws. Likewise parents may withdraw their children from the poor-law schools. The administration makes no pretense of reclaiming paupers or of preventing persons from becoming paupers by any direct effort. It simply deals with the evils which exist and then only so long as they are presented through applications for relief. However, the principles enunciated are believed in their application to deter people from relying upon the rates. This is described by Mr. Fowle as the "prevention of the pauperizing effects of State relief by measures calculated to raise the condition of the working classes."[1]

I will mention in conclusion two steps taken by the Local Government Board which seems to be of special interest. They are the encouragement of (1) organized charity and (2) conferences of poor law officers.

1. *As to Charity Organization.*—"The commercial crisis of 1866-68 produced an amount of distress in some portions of England beyond the capacity of existing poor-law institutions to relieve. As usual there was a movement towards supplementing poor-law relief by private charity. The central board believed that this movement on a large scale would be attended with great danger to the existing system in the absence of private charity organization. It seemed necessary to define definitely the respective provinces of the two sources of relief to prevent interference and confusion. This was accomplished with some success and led to the issuing of a circular from the central board, of which Mr. Goschen was then president, on Nov. 20, 1869, to the relief authorities of London, defining carefully the boundary between public relief and private charity. The inspectors were directed to assist in bringing about an understanding between the guardians and private charitable institutions. This led ultimately to the founding of the London Charity Organization Society, which is now an important ele-

[1] Fowle—The Poor Law, p. 17.

ment in the English relief system. This society is the centre of private charitable endeavor and aims at treating each case of destitution individually through the organized association of charitably disposed persons. It acts through trained voluntary visitors who carefully inquire into each case and detect and expose fraud. If the applicant for assistance is found worthy of charitable assistance, steps are at once taken by personal appeals and persuasion to induce friends and relations to subcribe to a sufficient fund for complete relief. Inquiries are also made as to whether the applicant has the right to call upon any benevolent society for assistance, and members of his or her church are induced if possible, to take an active interest in the case. If other sources fail, an appeal is made by advertisement. The society by these means is able to prevent deception, to give adequate assistance, and by true charitable effort save the subject from becoming a pauper and a charge on the rates. The co-operation of the poor-law guardians and relieving officers is encouraged by the central board and the effect of such co-operation is shown by the improvement in some districts, as, for instance, in the Whitechapel union, London. Mr. William Vallance, the clerk to the guardians of this union, is in sympathy with the charity organization committee, and the union submits applications for relief, where there is any hope of saving the applicant from pauperism, to the society. The decrease in out-door relief through this means and through careful enforcement of poor-law principles, is shown by the statistics.[1] In 1870 in-door paupers there numbered 1419, the out-door 5,339. In 1888 the number of in-door paupers was 1,356 (including 127 imbecils in asylums) and the out-door list numbered only 63. Of those classed as out-door paupers in 1888, 41 were boarded-out children, leaving only 22 ordinary out-door paupers. And this result was obtained without subjecting the poor to undue hardships. For widows, the number of whom and of their children had swelled the out-door relief list, work was obtained through the society, or given in the institutions, and every opportunity afforded them to make themselves independent. Where necessary one or more of their children were placed in the district school. Wherever, in the case of any applicant, there is any hope of preserving him or her from pauperism, the effort to do so is made and the workhouse offered only as last a resort. This effort is of course not a legal duty of the poor-law officers, but where the charity organization society has a committee and the poor-law officers co-operate with it, it is claimed that numbers are preserved from the degredation of pauperism and restored to usefulness.

2. *Poor-Law Conferences.*—Poor-law conferences began to be held as the result of independent effort on the part of intelligent officials who desired to have questions relating to practical measures discussed. The

[1] Vallance—Notes upon Poor Law administration in the White Chapel Union: Printed for the information of a committee of the House of Lords.

first was held in 1868, and many district conferences are now annually held in addition to a central conference, to which the district conferences sent delegates. In 1883 the government recognized the usefulness of this new institution and gave it encouragement by passing the act, 46 & 47 Vict, c. 11, allowing unions to pay out of the common fund the expenses incurred by any guardian or clerk to the guardians in attending them, and also authorizing the purchase of reports of conference proceedings. The subjects for discussion at these conferences are prearranged and cover the field of administration—the measures adopted in particular districts, proposed new measures, out-door relief, etc

CONCLUSIONS.

I do not see how we can very well recommend a revision of the poor-law in Pennsylvania in the direction of uniformity in administration, as well of economy, without being greatly influenced by the history of this legislation in England and the results of practical experience there.

1. In the matter of taxation we can prehaps learn little. The policy of our State is more advanced and fairer in aiming at a just distribution of the burdens upon all kinds of wealth, whether it consist of real, personal or mixed property. Moreover, the assessment and collection of the taxes in Pennsylvania are simpler and no change is demanded.

With respect to the disbursement of the monies, the accounting and the audit of the accounts, it seems to me we are very much behind and may learn something from the English system.

I would recommend that the State Board of Charities or other central authority be authorized and required to prescribe a uniform system of accounts for all officers who receive and expend the poor taxes, as well as the records for county houses and other institutions; that it prescribe as nearly as may be the proper subjects of expenditure and be given jurisdiction over the auditing of accounts with power to employ inspectors and examiners.

2. With respect to districts, settlements and legal procedure, I would recommend as follows:

(*a.*) That poor-law districts be generally enlarged in area by conformity with county lines, for the maintenance of almshouses or other institutions, but all in-door and out-door relief should be charged to the smaller municipal divisions.

(*b.*) That settlements be made to depend upon birth, one year's residence, marriage and parentage to the age of 16 years.

(*c.*) That no removals be permitted except in case of chargeability, and then not until after the issuing, service and confirmation of a rule out of the court of quarter sessions to charge the district of settlement, providing, however, for voluntary removals. Districts should also be empowered and encouraged to submit the facts in the nature of

a case stated for the opinion of the court of quarter sessions where the pauper is chargeable.

The general duties of poor-law officers (administrative) should be prescribed by statute; their particular duties and the duties of all employés should be prescribed by rules and regulations made by the State Board of Charities or other central board.

4. The poorhouse or workhouse should be used as a test of destitution and as a home for the destitute. There should be some provision for work, and penalties imposed for refusal to perform labor prescribed or other breach of discipline or of misconduct, in the institution. As to the care of poor children, separate schools or homes should be provided, and I believe that if this were done, the authorities should be given the custody of such children. Such schools should be industrial, and owned and controlled by the State.

5. Out-door relief should be given only in emergency cases and temporarily, and there should be paid officers in charge of this work, under the directors, but not subject to removal without the consent of the State Board of Charities or other central authority, in order that such paid officers may be in a measure independent. On the other hand they should be require to give security and to be held personally responsible for misapplication of funds. Out-door relief to persons able to labor should be entirely prohibited.

For the casual poor or vagrants, no relief should be given without requiring some labor and then only in a workhouse or jail where penal measures could be employed. The question of vagrancy should be met by the State and not by counties, and whatever system be adopted it should be rigidly uniform. I do not believe that the casual wards would prove beneficial. They are probably maintained in England and Wales for want of something better, or because the government has nor committed itself to preventive measures. The vagrant colonies of the continent are more humane. These are established upon waste lands which are reclaimed by the labor of the vagrants. Few seem to be permanently cured of vagrancy, however, and no really meritorious and successful system has been devised. A system of state prosecutions for vagrancy would probably avail in driving tramps from the state, but this would quickley be met by similar measures in other states. The most economical way to deal with the question would perhaps be to establish a state institution under competent management for their restraint. Their labor might then be employed for their own support and the institution made self-supporting.

6. The liabiliy of persons to support their relatives and (7). desertion and bastardy are all questions in which the English law does not materially differ from ours. No immediate change seems to be called for.

I would also specially recommend that the general law be so drawn

as to encourage the organization of charity and that the expenses of poor-law conferences be provided for.

Respectfully submitted,

J. NEVIN HILL, *Commissioner.*

SUNBURY, Pa, *October* 22, 1890.

NOTE :—The following list of publications may be useful to persons desiring to examine the subject of the preceding special report more carefully :

ARCHBOLD, JOHN FREDERICK. The Act for the Amendment of the Poor Laws (4 & 5 Will. 4, c. 76) with a Practical Introduction, etc. London, 1839.

ASCHROTT, Dr. P. F. The English Poor Law System, Past and Present. Translated by Herbert Preston Thomas, London, 1888.

DAVIS, J. E. A Treaties on the Poor Laws : being Vol. IV. of Burn's Justices of the Peace and Parish Officer, London, 1869.

EXTRACTS from the Information received by His Majesty's Commissioners as to the Administration and Operation of the Poor Laws, London, 1837.

FOWLE, T. W. The Poor Law. London, 1881.

MACMORRAU, ALEXANDER and S. F. LUSHINGTON. Orders issued by the Local Government Board and their Predecessors, with notes, etc. London, 1890.

NICHOLLS, SIR GEORGE. A History of the English Poor Laws, 2 vols. London, 1854.

REPORT from his Majesty's Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws. Ordered by he House of Commons to be printed 21 February, 1834.

REPORT. The same. Printed by Authority. London, 1834.

REPORTS of the Poor Law Board, Annual. London, 1834–1847.

REPORTS of the Poor Law Commissioners, Annual. London, 1848–1871.

REPORTS of the Local Government Board. Annual, London, 1872–1889.

VALLANCE, WILLIAM. Notes upon Poor Law Administration in the White Chapel Union, London, 1888. (Printed for the use of a Committee of the House of Lords).